

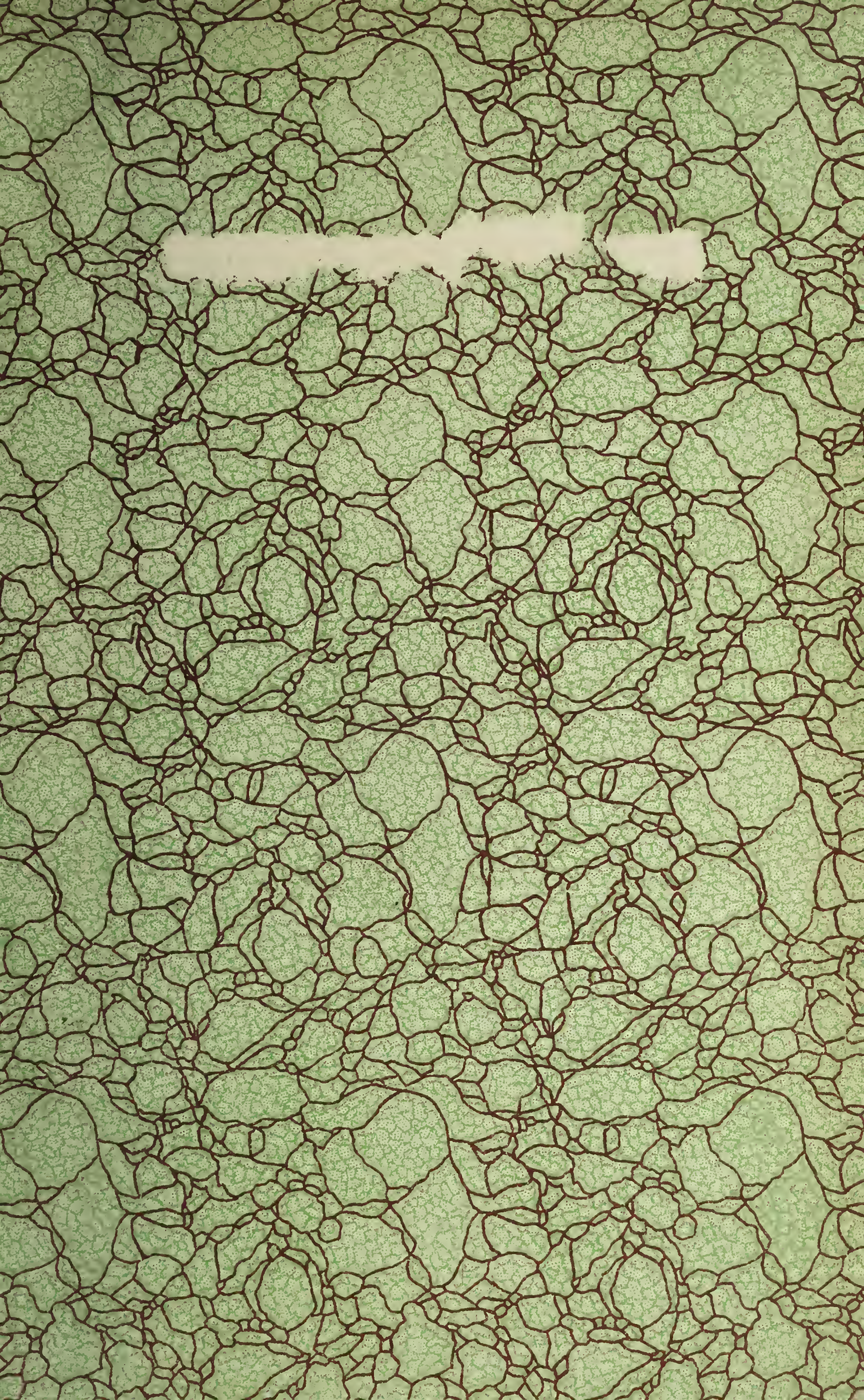
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VOL. XVIII



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THE JEWISH QUARTERLY REVIEW

OCTOBER, 1905

NOTES ON THE JEWS IN FUSTĀT FROM CAMBRIDGE GENIZAH DOCUMENTS.

THE Genizah Fragments in the Cambridge University Library, coming as they do from Fustāt—which was the capital of Lower Egypt at the period they cover—naturally afford a good deal of information concerning both that city and others in the vicinity, from Alexandria up to No-Ammon (Thebes), including Cairo, Balbaïs, Ramleh, Rosetta, Zoan, Qalyūb, Qus, Zoar, Sa, Zifta, Benha al-‘Asal, Mahallat al-Kabīr, Miniāt Ghamr, and others ; as also some of the chief towns in Palestine and elsewhere, for instance the Holy City, Damascus, Safed, Ascalon, Tiberias, Tripolis, Dan, and so forth.

The city of Fustāt has not wanted historians. Besides such general geographers as at-Tabāri, al-Kindi, al-Idrīsī, Abulfeda, and Ibn Saïd, there are the works of al-Makrīzī—his *History of the Copts in Egypt* and his *Khitat*—the very detailed work of Ibn Duqmāq¹, the *Churches and Monasteries of Egypt* attributed to Abū Sālih and edited by B. T. A. Evetts as one of the *Anecdota Oxoniensia* ; Butler’s *Coptic Churches of Egypt*, which has a fine plan of Qaṣr ash-Sham‘ in Vol. I ; G. Salmon’s *Études sur la topographie du Caire*, published by the Mission archéologique française au Caire ; Jomard’s

¹ *Description of Egypt*, published by Dr. Vollers at Cairo in 1893, from the MS. in the Khedivial Library.

*Description des environs de la ville du Caire*¹; and the *Noms coptes du Caire et localités voisines* of M. Paul Casanova², which is to be followed by a detailed description of Fustât by the same author. There is also much interesting matter in Lane-Poole's *Cairo*³.

From the business documents that come from the Genizah, as will be seen, many facts come to light which may serve to unveil something of the history of the Jewish race in a large city where they abode in great numbers, were very wealthy, and had much to endure, partly for their own sakes, and partly because of the presence of the Copts near them, with whom they were confused at times by the followers of Muḥammad.

The chief events in the history of the city for the present purpose are the following:—

Fustât was founded when 'Amr ibn al-Ās conquered Egypt for his master, the Khalīf 'Umar, in the year 21 of the Hijra, i. e. 640 or 641 A. D. 'Amr became master of the country largely by the help of the Copts who were willing to exchange their Greek rulers, whom they hated because of religious differences, for any other power. The city seems to have owed its site to a dove which nested in the tent (fustât) of 'Amr, and which he would not allow to be disturbed. He built a mosque, on the site of which there stands a building which still bears his name, and dug or repaired the canal to the Red Sea that the corn of Egypt might be easily transported to the Muḥammadans in Arabia.

In 750 A. D., Marwān II, the last of the 'Umāyyad Khalīfs, set fire to the city. In the next year the two generals who had pursued Marwān into Egypt, Sālih ibn 'Alī 'Abd Allah ibn 'Abbās and Abu 'Aūn 'Abd al Malik

¹ In *Égypte Moderne*, tome ii. 2 of the "Description de l'Égypte . . . observations faites pendant l'expédition de l'armée française, 1818," in connexion with which is a fine numbered plan in the volume of plates.

² In the *Bulletin de l'Institut français d'archéologie orientale*, Cairo, 1901.

³ In Dent's *Mediaeval Towns* series.

ibn Yazīd, commanded their followers to build houses in the plain north of Fustāt, and a new town grew up which obtained the name of al-‘Askar, *the Cantonments*. There, apparently, for some years the governor made his seat, until about 763 A.D., when the Khalīf ordered that his residence should be removed from the palace of the Emirate in al-‘Askar back to Fustāt¹.

The Coptic Christians were often in trouble with their newly chosen masters, and also quarrelled as of old with their Greek neighbours; and their disturbances resulted every now and then in the destruction of part of the town, or the imposing of a heavier tribute.

The Amīr Aḥmad ibn Tulūn, in the latter half of the ninth century, built himself a palace and barracks for his guards, and a grand mosque which still exists between Fustāt and Cairo; this new quarter received the name of al-Qatāi‘, *the Wards*. He imposed a tribute upon the Coptic Patriarch of 20,000 dinars, and among the methods to which that personage resorted for payment of the money was, as al-Makrīzi² tells us, *the sale of the churches lying in the vicinity of the Mu‘allaga in Qaṣr ash-Sham’ to the Jews*.

Of this Qaṣr more anon³. It was a part of Fustāt much older than the city, and contains to this day a Jewish synagogue and several Coptic churches.

The Fatimite Khalīf, al-Mu‘azz, obtained the rule in Egypt in the second half of the tenth century. For him the new city was built, called القاهرة المعزية, al-Qāhirat al-Mu‘azziah, and known to the Western world through the Venetian merchants in the softened form of Cairo.

Then, we learn, the people began to build near this new citadel, and the old capital began to be deserted. However that may be, still in theory and in documents, at all events so far as the Jews are concerned, Cairo maintained

¹ Salmon, op. cit., pp. 2-5, &c.

² In his *History of the Copts*, Wüstenfeld’s edition, p. 61.

³ See p. 19 below.

a secondary place to Fustāt for some centuries, although the new city became the seat of the Khalīfs of Egypt. The situation of Fustāt on the Nile, says Abulfeda, made it easier to provision than Cairo, and living was cheaper there.

It was during the reign of al-Mu'azz, according to Gregorius Abu'l-Faraj, that the famous Maimonides took up his abode among the Jews in Fustāt, and became first a merchant of gems, and afterwards practised medicine.

The Fatimite Khalīf, al-Ḥakīm, towards the end of the tenth century, persecuted both Jews and Christians. Jamāl ad-Dīn ibn Tughri-Bardi¹ tells us that he ordered the Jews to wear yellow garments, while the Christians had to don blue, and both were forbidden to ride horse or mule; while al-Makrīzi² says that the Jews had to wear hung on the neck a ring of wood of five rotl weight, and as the rotl was equal to 480 drachmas of some kind, it could not have been a great convenience. In addition to this they seem to have been compelled to wear bells on their necks when they went to the bath. This Khalīf is he whose name has been since held in reverence by the Druzes; he sought to found a new religion with himself as the divinity, and had many followers.

The Fatimites, although claiming descent from 'Alī the son of Fatima, daughter of Muḥammad, were by some Arab writers said to be Jews³; the first of the Khalīfs, 'Ubaid-allah, being a Jewish locksmith before he rose to fame and power. Jamāl ad-Dīn, above-quoted, relates that the father of al-Ḥakīm, al-'Azīz ibn Abū Mansūr Barār, entrusted the oversight of Syria to a Jew named Mīshā, who, however, paid for his office with his life.

In the year 1168 A. D., the vizir Shāwir set fire to Fustāt to prevent its falling into the hands of the Franks during

¹ Carlyle's edition, Cambridge, 1792, p. 7.

² *Copts*, ed. Wüstenfeld, pp. 64-66.

³ See Carlyle's *Jamāl ad-Dīn*, notae p. 5, no. 10.

the time of the second crusade: this was a wide-spread conflagration and is called the "Burning" *par excellence*.

A century or so later, a great disturbance arose about a Coptic secretary who was defended from the Muḥammadan rabble by his master's soldiery until the Sultan objected. Then the people fell to plundering both Jew and Christian until the Amīr forbade it, which only occurred after a great deal of mischief had been done. After this the Muḥammadan officials summoned to a conference the Judge of the Jews and the two Christian Patriarchs, Coptic and Greek, with their elders¹. The Ruler of the Jews pronounced a curse against every Jew who should do contrary to what was fixed with regard to wearing a yellow turban and obedience to the treaty of 'Umar. The goods of those who did not wear the coloured turban were to be confiscate.

About the year 1320 A.D. some more serious tumults took place, when the decree of blue turbans for the Christians was more strictly enforced again. In this trouble for once the Jews seem not to have been embroiled, and no regulations were made for them, or perhaps they had not grown slack in the observance of those already made. The Christians therefore began to borrow turbans from their Jewish neighbours whenever they dared to go abroad, that they might be safe from molestation.

These are the very scant notes which are to hand concerning the Jewish people in Fustāt.

Already in this REVIEW² Mr. Abrahams has given some of the various spellings of the name of the city in these documents, but some notes on the formulae used may still have an interest.

*Evidently the standard description of the city for the Jewish scribe during a long period was פסטאט מצרים דעל נילוס נהרא מותבה: this we find at all dates from 750 A.D. till as late as 1496, some years after al-Makrīzi wrote his books. It is a comparatively rare thing to find any part of this

¹ Makrīzi, *Copts*, ed. Wüstenfeld, p. 75.

² Vol. XVII, p. 426.

description left out, especially in those documents of a particularly religious character, such as the marriage contracts, which are mostly in Aramaic.

But taking the documents through—or at least as many as have been examined for the present purposes, some hundreds—there is very considerable variation.

Now the meaning of Fustāt Miṣraim seems plainly to be Fustāt of Egypt. The Arabic form corresponding to it is Fustāt Miṣr, either part of the name being as often used alone. Miṣr may mean any large town, and ten such were counted by the Arabians, among which were Baghdad, Kufa, Memphis, and, later, Alexandria and Cairo. But the name itself has only been attached permanently to this district, and while Fustāt was called Miṣr in the eighth century and earlier, its neighbour Cairo is only known by the name of Miṣr or Maṣr to the inhabitants of to-day.

Perhaps Fustāt Miṣraim may be traced to the influence of the Coptic name Ⲭⲁⲅⲏⲗⲱⲛ ⲛⲭⲏⲁⲓ, Babylon of Egypt, which was evidently intended to be a distinction from the Asiatic Babylon. Although this Egyptian Babylon is said to be a height south of Qaṣr ash-Sham'¹, yet it is probable that the old and new towns, Babylon and Fustāt, overlapped one another, as Fustāt is said to have *enclosed* the Qaṣr, and therefore to have gone south of it. And, moreover, in a MS. list of bishoprics of Egypt, quoted by Amélineau², Ⲭⲁⲅⲏⲗⲱⲛ ⲫⲟⲥⲧⲁⲩⲱⲛ = بابلون الفسطاط, is given. It does not seem *necessary* that Fustāt should have the name of the country attached, there being only one such place.

But while the full appellation was given mostly somewhere on the document, most frequently in connexion with the date, any further mention of the city in the same manuscript generally dispensed with formality of this kind. Thus we have in 1141 A.D. a document dated with the usual six-word formula as given above, while a house

¹ Casanova, p. 145.

² *Géographie de l'Égypte à l'époque copte*, p. 224.

described therein is called באלפסטאט¹. In 1143 we have the same thing occurring again, the description being אל רכאכין אלתי באלפסטאט²: another example is found in 1148³.

In 1143 we have an instance of dating only באלפסטאט⁴, followed by one in 1150⁵, in which the property described is in Cairo; by one in 1159⁶ (אתע לשטרות באלפסטאט = "1470 according to the reckoning of documents"); and by one which may be dated about 1160⁷.

From earlier times till later than the above dates there are examples of the use of מצר alone. In 1027 a document is dated במצר⁸ ("1338 in Miṣr"), while in 1032 the Synagogue of the Syrians is במצר⁹; in 1076, in a large document dated with the six-word formula, houses are described in lanes במצר¹⁰. In 1130 again a house is described as merely in Miṣr, while the date stands אתמא וכאן דלך¹¹. In 1144 the date runs thus, אחד שהור שנת אתנה במצר¹²: and in 1261 again a street is במצר simply, while the date formula is one of the longest on record; it runs לשטרות למנינו אשר הורגלנו למנות בו בפסטאט¹³. One other MS. of 1243, by the same scribe, gives this formula with the addition of פה after בו¹⁴.

There is also an instance of מצר used alone in the text, while at the foot the MS. is described as written at Fustāt¹⁵, כתב בפסטאט. An interesting proof is given in two MSS. of the fact that the title of Miṣr was not at once transferred to the newer city, as something is described במצר ואלקאהרה¹⁶, meaning of course in Fustāt and Cairo; one of these gives the date 1226 A.D., 250 years after the latter city was founded.

¹ T-S. 12. 694.

² T-S. 16. 146.

³ T-S. 12. 544.

⁴ T-S. 13 J 3³.

⁵ T-S. 13 J 1²¹.

⁶ T-S. 13 J 3¹⁰.

⁷ T-S. 13 J 6³.

⁸ T-S. 8 J 4³.

⁹ T-S. 16. 45.

¹⁰ T-S. 16. 5.

¹¹ T-S. 12. 88.

¹² T-S. 10 J 5⁸.

¹³ T-S. 12. 564 and 549, parts of the same document.

¹⁴ T-S. 12. 121.

¹⁵ T-S. 12. 428.

¹⁶ T-S. 16. 200 and 18 J 1¹¹.

In some cases the six-word formula is slightly varied, once by the addition of רבא (דעל נילום נהרא רבא מותבה) in 1229¹, at other times by a more Hebrew rendering, פסטאט מצרים שעל נילום הנהר מושבה. Of this formula, one MS. may be dated 949–958 A.D.², and others 981³, 983⁴, and 1234⁵. The last quoted is dated 4994 ליצירה, and Mr. Abrahams has referred me to a document (Drawer 35) in which the date (995) is given as 4775 לבריין עולם. The dating עולם לבריאת עולם only becomes usual much later. “Fustāt Miṣraim” appears without any further description in 966 A.D.⁶, 1004⁷, 1134⁸, and 1140⁹, the last of which has in it also מצר.

On a marriage contract, of which all date is lost except –75, but which is not earlier than 1064 A.D., the legend accompanying the date runs למספר יונים בארץ מצרים במדינת פסטאט שעל . . .¹⁰, “according to the reckoning of the Greeks in the land of Egypt in the city of Fustāt which is on [the Nile].”

Of the Arabic form מצר פסטאט there are a good many instances. One is of the date 1006¹¹, one of 1104¹², two of 1115¹³, one of 1120¹⁴, one of 1125¹⁵ where the Hebrew form is used with the date, but houses are described as being בפסטאט מצר, two of 1127¹⁶, another of about the same year¹⁷, one not later than 1188¹⁸, and others whose dates have disappeared, one of which contains מצר alone twice also¹⁹.

While the spelling of מצר and קצר is quite uniform—the ص in both cases always being represented by צ—there are some differences in the word Fustāt. Documents that have the more Hebrew formula שעל נהר נילום מושבה vary in the spelling. One of 966 has פיסטאט²⁰; several have פסטט, one of 1007²¹ speaking of the witnesses as הדרים בפסטט מצרים

¹ T-S. 8J 6⁷.² T-S. 20. 85.³ T-S. 16. 49.⁴ T-S. 16. 60.⁵ T-S. 8J 6⁸.⁶ T-S. 12. 462.⁷ T-S. 13J 2¹¹.⁸ T-S. 8J 5¹⁰.⁹ T-S. 13J 2³⁵.¹⁰ T-S. 24. 13.¹¹ T-S. 13J 2¹⁴.¹² T-S. 12. 525.¹³ T-S. 16. 158 and 24. 20.¹⁴ T-S. 12. 562.¹⁵ T-S. 13J 3⁹.¹⁶ T-S. 8J 5^{4, 7}.¹⁷ T-S. 16. 151.¹⁸ T-S. 20. 16.¹⁹ T-S. 12. 552.²⁰ T-S. 12. 539.²¹ T-S. 16. 14.

one of 1022¹ being dated ביום ששי חולו של מועד, leaving out the thousand of the date and presumably meaning the 20th Tishri. There are others of 1024², [10]39³, 1135⁴, and two marriage contracts⁵.

Some documents transliterate the *س* of Fustāt by *צ*, thus giving פצטאט—one of 750 A.D.⁶, one of 1028⁷ which has also במצר, a שטר פיצוי of 1045⁸, one of 1048⁹, and one of 1241¹⁰ which gives on the verso נהר נילום היא, while on the recto is נהר נילום נהרה. There is one instance in the direction of a letter where the city is spelt الفسطاط.

Documents of a later date, 1544–1802 A.D., seem to be regularly פה מצרים¹¹, the name Fustāt being dropped altogether, and the date uniformly given ליצירה.

The description of Cairo gives one or two interesting details. Makrīzi, in his *History of the Coinage of the Arabs*¹², says that in the year 358 (Hijra) was built القاهرة المعزية, al-Qāhirat al-Mu‘azziah. This is about 970 A.D. Rather more than a century later, somewhere about 1080 A.D., we have a marriage contract which speaks of אלקאהרה אלמעזיה¹³; and in the next century there is a MS. of 1109 of the same form¹⁴, and five documents which are dated from אלקמעזיה אלקאהרה, one of 1127¹⁵, one of 1150¹⁶, one of about 1169¹⁷, one of 1170¹⁸, and one of 11—, the rest of the date being lost¹⁹, while a sixth retains only the unit of the date²⁰, but is presumably of the same century. After this no more is seen of אלמעזיה; it is curious that the last certain date of its appearance here is 1170, the year

¹ T-S. 10 J 5¹¹.

² T-S. 13 J 1⁶.

³ T-S. 13 J 7²⁵.

⁴ T-S. 8 J 10¹⁸.

⁵ T-S. 12. 113 and 492.

⁶ T-S. 16. 79 (see *J. Q. R.*, vol. XVII, p. 426).

⁷ T-S. 8 J 4¹.

⁸ T-S. 16. 183.

⁹ T-S. 20. 160.

¹⁰ T-S. 8 J 6¹⁴.

¹¹ 1544, T-S. 13 J 8¹⁰; 1560, 13 J 5⁶; 1561, 13 J 4¹⁷; 1563, 8 J 6²²; 1569, 13 J 4²⁰; 1577, 8 J 8²³; 1588, 13 J 4²¹; 1748, 13 J 5⁷; 1802, 8 J 6²⁴.

¹² *Historia monetæ arabicæ*, ed. O. G. Tychsen, Rostockii, 1797, p. 34, and translation, p. 111.

¹³ T-S. 24. 9.

¹⁴ T-S. 8 J 4²².

¹⁵ T-S. 18 J 1²¹.

¹⁶ T-S. 13 J 1²¹.

¹⁷ T-S. 8 J 5²³.

¹⁸ T-S. 13 J 3¹⁴.

¹⁹ T-S. 16. 41.

²⁰ T-S. 13 J 7¹⁵.

in which the famous Saladin, as Sultan of Egypt, proclaimed there the Ayubite Khalīf, thus putting an end to the dynasty to which Mu'azz belonged, the Fatimites. Possibly it was that event which decided that the name of the city should not be al-Mu'azziah.

But further: from the date 1028 A.D., down to as late as 1496, Cairo is described as *near to Fustāt*. The first of these, of 1028¹, bears the legend בעיר אל קאהרה הסמוכה לפצטאט מצרים דעל נילוס הנהר מוחבה; this is the most usual form. The next is one of 104-², a divorce document; the next a marriage contract of 1083³; the next a document of 1094⁴, where עיר אלקאהרה הסמוכה has been inserted above the line before בפצטאט מצרים. Then follow the years 1109, 1110, 1116, 1127, one of each⁵, one of 1169⁶, one of 1170⁷, one of 1187⁸ which, in common with the first three just cited in this century, has דסמיכה instead of הסמוכה; these are followed by documents of 1190⁹, 1245¹⁰, 1280¹¹, 1282¹², 1458-9¹³, 1482¹⁴, and 1496¹⁵. There is also a marriage document of 1816¹⁶ which perpetuates the formula, one would suppose, without any meaning.

There are other towns that are called "near to Fustāt"; עיר אלמחלה הגדולה in 1158¹⁷, עיר דמירה הקטנה in two documents of 1160¹⁸, and עיר קליוב in a document without date. The second of these towns is evidently Mahallat al-Kabīr, a few miles west of the Damietta branch of the Nile, and almost sixty miles north of Fustāt; it is described in other documents as on the Nile²⁰, in 1121; as אלכברי²¹ (= הגדולה), in 1202; and in 1145 simply as אלמחלה²². There is a Damīra some miles north of Mahallat al-Kabīr, and therefore still further from Fustāt, which may be the

¹ T-S. 18 J 1⁶.² T-S. 13 J 6²³.³ T-S. 12. 541.⁴ T-S. 13 J 2⁴.⁵ T-S. 18 J 1^{17, 18, 21} and 8 J 12¹.⁶ T-S. 8 J 5²³.⁷ T-S. 13 J 3¹⁴.⁸ T-S. 18 J 1²³.⁹ T-S. 18 J 1³⁰.¹⁰ T-S. 12. 588.¹¹ T-S. 13 J 4¹⁵.¹² T-S. 8 J 6¹⁷.¹³ T-S. 8. 195.¹⁴ T-S. 13 J 4¹⁶.¹⁵ T-S. 8 J 6¹⁹.¹⁶ T-S. 16. 332.¹⁷ T-S. 8 J 5¹⁹.¹⁸ T-S. 8 J 5²¹ and 18 J 1²⁶.¹⁹ T-S. 13 J 7¹².²⁰ T-S. 16. 140.²¹ T-S. 12. 166.²² T-S. 12. 565.

“Damīra the little” of the 1158 document quoted above. For the town of Qalyūb, only $8\frac{1}{2}$ miles north from Cairo by railway, one can understand the term “near to Fustāt.”

Kanāis al-Yahūd.

In Ibn Duqmāq¹ we have an all too brief description of the Jewish synagogues extant in his day, say in the fourteenth century. It runs thus:—

كنائس اليهود بمصر * كنيسة اليهود العراقيين هذه بقصر الروم بزقاق
اليهود بجوار المعلقة * كنيسة اليهود الشاميين بقصر الروم بجوار خوخة خبيصة
والدرب هناك * كنيسة اليهود القرايين بالمصوصة بزقاق من ازقة درب الكرمة *

We have here three synagogues: of the “Irāqians” (which would mean Babylonians) in the Qaṣr in the Lane of the Jews; of the Syrians in the Qaṣr near the Postern Khabīṣah; of the Qaraites in the Mamsūsa (=Musāsa) in one of the lanes of the Darb Kurma.

The two former are quite plainly mentioned in many MSS., and both belonged to the Rabbanites. We have mention of the Syrian synagogue during something over a century.

In 1032 A.D. we have the בניסת אלשאמיין במצר²; in 1159 something is transacted גמאעה בחצור גמאעה³, i.e. “in the synagogue of the Syrians in the presence of a number of people.” There is also a long document, probably of the eleventh century, dealing with the same, which it calls בניסת אליהוד אלשאמיין⁴. There are also some undated MSS. which mention this synagogue alone⁵, as well as some cited below which give both Syrian and Irāqian.

Of the Irāqian synagogue alone, mention is made in documents of 1044⁶, of 1099⁷, of about 1182, where the houses described adjoin לבניסת אלע[ראקיין]⁸, and two undated ones, of which one is comparatively modern in all probability, and is pointed⁹.

¹ IV, p. 108.

² T-S. 16. 45.

³ T-S. 13 J 3¹⁰ (p. 3).

⁴ T-S. 20. 96.

⁵ T-S. 8 J 10⁸, 6 J 2², and one unnumbered.

⁶ T-S. 13 J 1¹⁰.

⁷ T-S. 8 J 4⁹.

⁸ T-S. 12. 487.

⁹ T-S. 10 J 5¹, 6 J 1²⁴.

Mention of the two synagogues together is made, giving their separate names, in 1057¹, and in about 1130², while they are spoken of as merely אלכניסתין in 750³ or שתי בניסיות, in a MS. not later than 1205 (בתי בניסיות)⁴, and in some undated MSS.⁵

But other documents bring us to what is either another synagogue or another name for one of those given above. This is the "Synagogue of the Yerushalmim" which occurs in a MS. of 997⁶, in two of 1028⁷, and in two without date, of which one at least may probably be referred to the tenth century as it is in Hebrew⁸. This last-named document evidently places the כנסת הירושלמים in Qaṣr ash-Sham' (= קצר ארום)⁹; while the document of 997, which is apparently a will, speaks of a certain proportion to be dedicated (להקדש) to the two synagogues in Fustāt, of which half is to go to one synagogue whose name is gone, and the other half to בניסת הירושלמים. Twice, further, in the same MS. the שתי כנסיות are spoken of, and it seems as if this might be the earlier name for the Synagogue of the Syrians, changed perhaps with the influx of some arrivals from Damascus. Most of the MSS. with ירושלמים are in Hebrew.

There is also one document of date 1082 A.D.¹⁰, drawn up בכנסת הבבליים . . . בפסטאט מצרים, and a letter written to Hai Gaon ben Sherira ראש ישיבת של גולה wishing peace ממונו אנהנו¹¹; this would be before 1038, the date of Hai's death. The document does not mention Fustāt, and there is only the coincidence of the "Synagogue of the Babylonians" to suggest that it may have been written from that place. The fact remains that a synagogue of the Babylonians is mentioned as being at Fustāt, and may be the same as that of the Irāqians.

¹ T-S. 13 J 1¹³.

² T-S. 10 J 10².

³ See *J. Q. R.*, XVII, p. 426.

⁴ T-S. 16. 63, verso.

⁵ T-S. 12. 129 and 8 J 9¹⁵.

⁶ T-S. 16. 115.

⁷ T-S. 13 J 5¹ and 8 J 4³.

⁸ T-S. 12. 641 and 20. 117.

⁹ For further notes on the names of the Qaṣr see p. 20.

¹⁰ T-S. 18 J 1¹¹.

¹¹ T-S. 16. 318.

Makrīzi's description of the Qaraitic synagogue in the Musāsa will be found below under that heading.

Beth Dīn and Yeshibah.

The style in which the Beth Dīn is mentioned is of much interest, though often very vague. In 1122 A.D. we have ¹בית דין הקבוע בפסטאט מצרים, and a MS. (probably) towards the end of the eleventh century gives the following heading²:—

מעשה שהיה בפנינו אנו בית דין הקבוע בפסטאט מצרים דממנא מבי
דינא רבה כב גד קד מרנו ורבנו אדוננו מבורך . . . בר . . . סעדיה
הרופא.

In 1066, a document has the following³:—

איתקיים שטר אבי זאריה דנן קדמנא בבית דינא דממנא מבית דין
הגדול בפסטאט מצרים:

which is signed by סעדיה ברבי and a [מעמר] בר יוסף
השופט.

In 1114, a MS. opens with these words⁴:—

חצרנא אנו שלשת הדיינים הקבועים בעיר אלקאהרה ובפסטאט מצרים.
... הדיינים הקבועים בפסטאט and a fragment without date⁵ has
... מצ, no vestige of the word before הדיינים remaining.

Before any of these, in 1032, comes a document which, as it speaks of the Chazzan and Shaliach of the synagogue and is very brief, may be given here⁶:—

חצר פי בית דין הקבוע מפי בית דין הגדול בכניסת אלשאמיין במצר
פי יום אלכמים אלעשרה כלון מן תמוז מן סנה אלף ותלת מאיה ותלתה
וארבעין למנין שטרות מ אברהם הלוי בר שמואל נז קובל על מ נחמיה
החזן בן כבוד גדולת קדו מרנ אברהם החבר נבע ואונפיר⁷ אליה אלשליח
ליחצר פי מושב אלדין אלי הדא אלתאריך משה ביר אלעזר חלפון
הלוי בר שלמה נז

¹ T-S. 24. 14.

² T-S. 20. 125.

³ T-S. 20. 83 (a document of 1049, T-S. 20. 23, mentions a מעמר בר יוסף בר (מעמר השופט).

⁴ T-S. 8 J 5¹.

⁵ T-S. 12. 538.

⁶ T-S. 16. 45.

⁷ وَأَنْفَدَ =

A document of 1044 speaks of the בית דין in the Synagogue of the Irāqians¹, so that probably only one of three mentioned above would belong to Cairo.

In 1127 we have two documents together which speak of בית דין הגדול של ארוננו מצליח הכהן ראש ישיבת גאון יעקב², while one of 1129 has the same legend³, and one of 1130 is made out בפסטאט מצר רשות דארוננו מצליח הכהן ראש ישיבת גאון יעקב, and is signed by מצליח כהנא, and is signed by גאון בן שלמה גאון נין אליהו גאון בסק . . . גאונים⁴. Where this Yeshibah was is not explained, but that it was in Fustāt is seen from this last MS., which was written there and signed by Maṣliach. Perhaps it would be in one of the Kanīsahs. There is also another document signed by Maṣliach, where after אליהו גאון he gives the additional information גאון גזע הגאונים⁵.

This academy, or rather its head, appears very frequently on the documents. Apparently the first ראש found here is יאשיהו⁶; then follows שלמה הצ' ברבי שמואל בר טליון⁷ probably some time after 1028 (in which year his father שמואל is spoken of as ראש הקהל⁸); the next found is רניאל הנשיא, who appears as head of the academy in 1092⁹ and in two undated documents¹⁰, and whose son דויד הנשיא ראש גליות כל שלמה הכהן ביר יוסף¹¹ was married in 1082¹¹. Next comes ראש הישיבה אב in 1092¹² and ראש הישיבה in two undated MSS.¹³ Then follows our Maṣliach above cited, in at least twenty-one documents¹⁴ from 1127 to 1138,

¹ T-S. 13 J 1¹⁰.

² T-S. 8 J 5⁴.

³ T-S. 10 J 7¹⁰.

⁴ T-S. 16. 151.

⁵ T-S. 10 J 5²⁰.

⁶ T-S. 12. 16, in a letter addressed to "our brother Shlomoh ha-Shophat ben Saadiah ha-Shophat"; a שלמה בר סצדיה appears on a document of 1022 (?) who may be the person here spoken of.

⁷ T-S. 13 J 9², 11⁵.

⁸ T-S. 13 J 5¹, and 8. 183.

⁹ T-S. 20. 31.

¹⁰ T-S. 8 J 7⁴ and 12. 109.

¹¹ T-S. 24. 1. But in a Brit. Mus. MS. of 1089 A. D. (Or. 5545) he is called Head of the Academy.

¹² T-S. 20. 31.

¹³ T-S. 20. 86, and 13 J 6²³.

¹⁴ 1127, T-S. 8 J 5⁴; 1129, 10 J 7¹⁰; 1130, 16. 151; 1132, 8 J 5²; 1133, 12. 567; 1134, 20. 63, 20. 87, and 13 J 2²⁰; 1135, 13 J 2²²; 1136, 13 J 2¹⁹; 1137,

many being undated. After him comes Samuel from 1143 to 1159¹.

There is a דניאל הנשיא mentioned in 1165², during whose headship a document is dated, but he is not called head of this academy nor of any other, neither is נתנאל הלוי³ in 1160 and 1166, nor משה in 1171⁴. The next ראש, still not head of an academy, is named אברהם הפטיש, the "Hammer" or "Destroyer"; he occurs from 1213 to 1232⁵.

After a space of 140 years or so from the last notice of the Yeshibath Gaon Jacob we arrive at a new name or a new academy. In 1292 a certain ר' מרדכי is called ראש ישיבתה של תורה⁶, and in 1295 there is a דוד in the same position⁷; while an undated MS. also gives ישיבתה של⁸, which seems to point to the same academy.

Ibn Duqmāq⁹, in describing the דרב הלאה in the Musāsa (in Fustāt), speaks of it as being near the Masjid al-ārḑi, which is opposite the house of the Rīs al-Yahūd. Perhaps this is the situation of the Yeshibah of Gaon Jacob.

The Markets.

The markets (סוק) mentioned are these : אלכביר, אלעטארין, אלקוטן, אלצרף, אלבו, אלחמאם, אלויאתין, אלאבוארין.

Of the first, אלסוק אלכביר, we have three notices, as follows:—

אלדאר באלפסטאט באלראיה פי אלסקע אלמערופ באלסוק אלכביר והי שארעה עלי אלטריק אלמסלוק פיה פי סוק אלכביר ואלי אלקאלון ואלי אלסרייה ואלי דרב עמרה וטריק תגיב ונאחיה אלמצאצה ומסלוק מנה (A. D. 1139)¹⁰

13 J 3¹³ and 12. 683; 1138, 13 J 2²³; undated, 8. 179, 12. 91, 12. 653, 20. 37, 8 J 11¹⁵, 10 J 5^{17, 20}, 13 J 8⁴.

¹ 1143, T-S. 13 J 3³; 1144, 13 J 3⁵; 1150, 13 J 7¹⁷; 1152, 13 J 3⁹, 13 J 8³, 8 J 5¹⁵; 1157, 8 J 5¹⁸; 1159, 13 J 3¹⁰; undated, 8 J 7³.

² T-S. 13 J 3¹¹.

³ T-S. 8 J 5^{21, 22}, 13 J 6^{2, 27}, 13 J 3¹².

⁴ T-S. 13 J 3¹⁵.

⁵ T-S. 13 J 3^{22, 27}, 13 J 4⁵, 13 J 9¹⁰, 8 J 6⁵, 8 J 9¹⁶.

⁶ T-S. 13 J 4¹³.

⁷ Add. 3124.

⁸ T-S. 24. 8.

⁹ IV, p. 25. See also below, pp. 21, 29, 31, and 35, for the house of the Head of the Jews.

¹⁰ T-S. 12. 694.

אלדאר אלתי בפסטאט מצר בסוק אלכביר באלסרייה פי צדר הדא
אלוקאק אל גיר נאפר . . . ¹ (no date)

. . . מצר דאכלה פי אלדרב אלגיר נאפר אלשארע בכט סוק אל כביר
אלרי ² (A.D. 1118)

Ibn Duqmāq ³ says that this mart is so well known as to need no description, and it has many entrances. He gives a list of the Masjids upon the Shār'i as-Sūq al-Kabīr however⁴, and says that it extends from the Darb al-Majāyar to the Sahl Bahr an-Nil (the strand of the Nile); in another place ⁵ he speaks of the Kūm al-Majāyar as connected with the Kūm Ibn Ghurāb, and also says ⁶ that the Darb Bādi connects it with as-Sūq al-Kabīr. This is either near or in the Musāsa quarter just outside of the Qaşr ash-Sham', a district which must be treated of later.

The סוק אלעטארין does not find a place with the other markets singled out for "honourable mention" by Ibn Duqmāq, but it will be found under the heading ⁷ قيسارية المحلى as سوق الغرابليين والعطارين; also he describes the mart of the oil-merchants ⁸ as being between the مربعة العطارين and the حملون of the linen merchants: and finally gives a list of the nine Masjids between the مربعة العطارين and the حدادين. There is still a lane الحدادين in Miṣr⁹.

We have a letter addressed in Arabic character to an Ibrahīm in this Sūq al-'attārīn at Miṣr¹⁰, and another with the words الفصطاط مربعة العطائر in the direction ¹¹; also there is a MS. mentioning אלשיך בו אלפכר אלמתכסֶּךְ בסוק אלעטארין, probably of the year A.D. 1215¹². The person treated with is אלשיך ברכאת אלעטאר בן אלשיך בו כער, another perfumer.

One document gives a shop on the סוק אלעטארין¹³ in Miṣr: this is another mart unmentioned by Ibn Duqmāq, unless

¹ T-S. 16. 117.

² T-S. 16. 65.

³ IV, p. 32.

⁴ IV, p. 80.

⁵ IV, p. 52.

⁶ Under Darb Bādi, IV, p. 25.

⁷ IV, p. 37.

⁸ ויארין, IV, p. 33; see also IV, p. 26, line 23.

⁹ See no. 18 on the French plan mentioned in note 1, p. 2.

¹⁰ T-S. 10 J 81.

¹¹ A MS. as yet unplaced.

¹² T-S. 10 J 51.

¹³ T-S. 12. 777.

it be the same as the עטארין, both terms being used for spiceries.

Of the יזאחין סוק mentioned above, we have one notice in a long and careful description which, unfortunately, is very mutilated. It runs thus¹:—

... אדראר אלתי אלנצף מן גמיעהא לזוגת . . . שקיקהא יעזרו קדושינו
ואלרבע אלבאקי מנהא ללשיך אבו סעד בן טיבאן ישצו כל דלך משאע
גיר מ[קסום] . . . אלמסלוך מן דלך אלי סוק אלזיאתין אלקדימה וחמאמי
אלזיאתין ואלמעאריג ודאר אללרו ומרבעה אלצ בסכן
אלקאצי חקה אדולה אבי עבד אללה אלחסין בן צדקה בן אבי אלודאר
אלמעדל ב . . . [בא] ב אלתאלת יתוצל אליה מן אלזקאק אלמקאבל לחמאם
אלזיאתין אלכאלין לקאעתה מערופה בטאחון אלזעפראן קדימא
אלפאצל דלך פי מא בינהא ובין אדראר אלמס[תגד?] . . . אללרו אלפאצל
פי מא בינה ובין סאחה אלטריק זקאק אללואזין ופי הדא אל ינתהי
אלי אלפנדק אלמסתגד אלמערוף בבנא אבו מליח אלנצראני . . .

This suggests that the Market and Baths of the יזאחין were near to the אלמעאריג, which are described by Ibn Duqmāq², who says that the ruins of these “steps” (מעאריג) consisted of seven: they appear to have led down to the strand of the Nile. A further note of the same writer³ informs us that אליהור אלסכריין dwelt in a مطبخ⁴ which was on the right of the entrance from the مطابخ to the “Market of the Steps,” and that this مطبخ was near to another which belonged to the Madrasah of ابن السكري, presumably a Jewish teacher, while another, مطبخ ابراهيم بن المستنقص اليهودي, is described as on a blind alley on the middle of the same market, and Jews dwelt there. In still a third place⁵ he describes the Khatt المعاريج as having six approaches, the fifth of which came from the Darb al-Lu‘azzin and the

¹ T-S. 12. 660.

² IV, p. 35.

³ IV, p. 41, last five lines.

⁴ Literally kitchen, or any place for cooking.

⁵ V, p. 38.

sixth from the סקריין. A document of 1244 A.D.¹ gives the following description:—

מטבך אלסכר אלדי בכט אלמעאריני פי זקאק גיר נאפר יערף בוקאק
אלסאקיה אלדי אנשאה אבו אלפצל בן תמים נע ויחית בה חרוד ארבעה
אלאול והו אלקבלי ינתהי אלי חואנית שרף אלדין בן חליל ואלתאני והו
אלבחר ינתהי אלי אלזקאק אלמערוף באלסאקיה ופיה ישרע באבהא
ואלגרבי אלי זקאק רבע בן חליל ואלשרקי בעצה אלי אלזקאק אלדי הו
פיה אעוד (?) אבי אברהם בר רצון

This מטבך סכר would perhaps be the one belonging to the Madrasah spoken of above.

We have also mentioned in the extract given above² טאחון אלזעפראן. This mill would probably be by the دار الزعفران described by Ibn Duqmāq³.

These places were all on or near the Darb al-Lu'azzin, which is said by the same writer⁴ to have been in the quarter of the עטארין. It was to the east of a building called قيسارية المحلى (or الصوف), in which were the shops of the sellers of wool, which may supply the word צואפין for מרבעה אלצ².

The סוק אלחמאם and the סוק אלבו are mentioned in a MS. of A.D. 1148⁵, which states that a house is situated on them both; therefore they must have been very near one another. The description is: אלדאר אלתי באלפסמאט פי טרף סוק אלבו. If the סוק אלבו may be the سوق البزازين, the linen-market, then that was upon the Darb al-Lu'azzin mentioned above.

For the סוק אלחמאם we go to Makrīzi⁶. In describing the خطة اهل الراية, after mentioning its connexion with the gate of the Qasr and the Hamām a -Fār, he says that it leads westerly to the Nile, and to other places; then he tells us there is an entrance to the حمام شمول, and that the زقاق القناديل leads from it to تربة عفان, to the Sūq al-Hamām,

¹ T-S. 20. 98.

² See p. 17, אלדאר אלתי אלנצף, &c.

³ IV, p. 12, see also under رحبة دار الجواهر, IV, p. 36.

⁴ IV, p. 26.

⁵ T-S. 12. 544.

⁶ *Khīṭaṭ*, vol. I, p. 297.

and to the gate of the Qaṣr. From Ibn Duqmāq we learn also of a zuqāq ¹ زقاق القناديل ² which enters the ³ Hamām al-Fār was on the mart ⁴ المغاربة, which was apparently somewhere south of the fortress ⁵.

Another document ⁶, of A. D. 1086, speaks of אלבוזאון אלתי ⁷ אלבוזאון אלתי is the plural of ⁸ قيسارية, and doubtless refers to ⁹ شبل الدولة mentioned above and to another building ¹⁰ مربعة البزازين which, we are told, was on the ¹¹.

The ¹² סוק אלצרף is spoken of in a long MS. ¹³ which is on paper pasted together: across each join on the right-hand margin is written the word ¹⁴ אמת twice to secure it against fraudulent omission of a piece. The document appears to have been made out in a shop on this market: the passage runs:—

והו אני חצרת פי סוק אלצרף עלי דכאן רב יחוקאל הדא וכנא גמאעה
יהוד וגיריהם ואנא ויחוקאל דנן נקרא פי דפתר חתי גאז אבו אלחסן
אלמתופי נע . . .

The western entrance to the ¹⁵ المحلى, mentioned above, opened on to a lane leading to the ¹⁶ סוק אלצרף. A ¹⁷ דאר אלצרף is also noted as a place of purchase on another document ¹⁸.

The remaining market is ¹⁹ סוק אלקוטן, which is spoken of in a MS. dealing with the ²⁰ בניסה אלעראקין, and may therefore have been in the Qaṣr ash-Sham': but perhaps it is worthy of notice that there was a ²¹ פנרק אלקטאן on the Darb al-Lu'azzin.

Qaṣr ash-Sham'.

While this old fortress now stands practically outside the inhabited parts which are known as Fustāt or Maṣr al-'Atīqa, it has, since the foundation of the town, always been a part thereof.

Ibn Duqmāq gives descriptions of the various houses

¹ IV, p. 14.

² IV, p. 104.

³ See Ibn Duqmāq, IV, p. 32.

⁴ T-S. 20. 110.

⁵ Ibn Duqmāq, IV, p. 38.

⁶ T-S. 20. 121.

⁷ T-S. 12. 1.

⁸ T-S. 10 J 54.

and lanes and other noteworthy things in the fortress, spreading them, as it seems, impartially over his pages among those of the rest of the town, whenever they happen to occur to him.

In the documents under consideration, the name of the fortress often appears with the note adjoined that it is in Fustāt. In 750 A.D. we have a house אלתי ההנא בפסטאט מצר ¹; again, in 1094, there is another described as אלשמע ²; in 1182 a MS. gives אלשמע ³.

This fortress has borne many titles, some of which do not belong to it. For it should not be confused with the fortress of Babylon, which is said to have been on a hill to the south, which still bears the name of Babylon⁴. It seems, however, to have been called Qaṣr ar-Rūm from early times, perhaps even before its usual appellation was acquired. This convenient term Rūm would serve equally well for any garrisons from the north, Greek, Roman, or Turk; or might originate with the Greek Christians, the Melchites, before they were ousted by the Jacobites (Coptic Christians), who betrayed their stronghold to Islam rather than let it remain in the hands of the rival Christian sect.

Ibn Duqmāq frequently styles the place Qaṣr ar-Rūm al-ma'arūf bi-Qaṣr ash-Sham'⁵, and this description recurs in the Fustāt documents. We have a house described as אלשמע ⁶ in a document which has lost half its date but must come between 1089 and 1188 A.D.⁷, while another MS. of something like the same date evidently had the same terms⁸. The name אלרום also appears on a fragment of a marriage contract which may be somewhat earlier⁸.

A few Hebrew documents bring us another name קצר ארום.

¹ See *J. Q. R.*, vol. XVII, p. 426.

² T-S. 13 J 2³.

³ T-S. 12. 487.

⁴ See Lane's *Cairo Fifty Years Ago*, p. 146, and Casanova, *Noms coptes du Caire*, p. 145, both of whom quote from Makrīzi.

⁵ See his description of the Mu'allāqa, IV, p. 107. Casanova, *op. cit.*, p. 183, gives much information upon the names of the Qaṣr.

⁶ T-S. 20. 16.

⁷ T-S. 20. 17.

⁸ T-S. 12. 615.

One has the remains of a date, אלה ומאתים ושש, which will be either 1206, or 1216, or 1260, according to taste (i.e. שש עשרה, or ששים), the MS. being in Hebrew; this makes it, even taking 1260 as the date, not later than 959 A.D., and possibly as early as 895¹. The next is of the year 966 A.D. בפסחאט מצרים בקצר אדום²; another of the year 969 A.D.³; and another undated⁴. This is exclusively a Jewish appellation, being the Hebrew equivalent of אלדום⁵. The proof of identity between קצר אלשמע and קצר אדום lies in the 969 MS., where the court described is in Fustāt in the Qaşr אדום in the place which the עברה זרה call the place of Bu Sargah. Amidst all the ambiguity with regard to other Coptic churches, there seems to be only one church of St. Sergius in the neighbourhood, and that in Qaşr ash-Sham'.

The "ghetto" of Fustāt seems to have consisted of a portion of the Qaşr ash-Sham' and a part of the town outside the Qaşr, mostly comprised in the district known as the Musāsa; there seems, moreover, to have been a communication between the two through the property of the Rīs al-Yahūd which was in the Musāsa.

The indication of this is given by Ibn Duqmāq in the description of the Khūkhat Khabīṣah⁶ where he says:—

هذه الخوخة بقصر الشمع فيما بين كبيسة اليهود والمسجد الارضى هناك
وداخلها غير نافذ غير أن ريس اليهود استرق من السور بابا فتحة من داره
التي بالمصاصة يسلك منه من هذه الخوخة وسكن داخلها جماعة

"This postern is in Qaşr ash-Sham', between the Synagogue of the Jews and the masjid al-arzi there; and it cannot be entered unless the Rīs al-Yahūd remove stealthily from the wall a gate which he opens from his house, which is in the Musāsa . . ."

¹ T-S. 20. 85.

² T-S. 12. 462.

³ T-S. 12. 499.

⁴ T-S. 12. 641.

⁵ מלכות אדום (used in the Talmud and Midrashic literature for the "Roman Empire") is the most familiar instance of this.

⁶ IV, p. 30.

From a MS.¹ we obtain the following in the description of a house:—

... אלהר אלתאלת והו אלשרקי ינתהי אלי ברג מן אבראג . . . קצר
אלשמע והרא אלברג יערף בכניסה אליהוד

From another document comes this description²:—

אלברג (אלתי) [אלרי] הו סאכנה בפסטאט מצר בקצר אלשמע אלמלאצק
לכניסה אלע[ראקיין?]

The tower or bastion of the fortress mentioned in both these cases will probably be the same. Makrīzi³ simply says that the Synagogue of the Irāqians is, like that of the Syrians, on the Khaṭṭ Qaṣr ash-Sham', while Ibn Duqmāq⁴ says it is on the Zuqāq al-Yahūd near the Mu'allāqa.

It is not easy to gather up and reconcile the points suggested by these and other fragmentary references. On consulting the various plans of the Qaṣr⁵ there are shown two bastions on the south-east side and one at the corner facing south. The first MS. noticed above gives a house whose *eastern* side is next to the bastion which is called the Synagogue of the Jews, while the western side of the house abuts on the road leading by Sūq al-Kabīr to various streets and the district of the Musāsa. It has a north side also on which is a fundaq (or khan).

Now while the ordinary terms שרקי and גרבי are used for east and west respectively, in Egypt the usual expressions for north and south are replaced by בחרי (the river side) and קבלי (the side of the Qiblah, that is, facing Mecca): the Nile is not north but north-west of Fustāt; Mecca is not south but south-east roughly speaking; so that these terms are very loose, and may each mean anything within a quarter of

¹ T-S. 12. 694: this is an unfinished form, having blanks in the description, for instance, of the fundaq, where it says אלמסחר where it says אלמסחר, after which is a space. T-S. 20. 17, which is the witnessed document, written by the same hand, is unfortunately too fragmentary to assist us.

² T-S. 12. 487.

³ *Khiṭaṭ*, vol. II, p. 464.

⁴ IV, p. 108.

⁵ See the plan in Butler's *Coptic Churches*, vol. I, and a small one given in Baedeker's *Guide*, 1902, p. 70.

the compass, and the terms for east and west seem to be intended to fill up the other two quarters. This being so, it seems quite probable that the bastion facing nearly south will be the one in question; and, indeed, this seems the only one which can have a house near it described as on the Sūq al-Kabīr. It has already been suggested that this Sūq is just outside the Mu'allāqa Gate of the Qaṣr.

The description of the Khabīṣah given above says that it is in the Qaṣr between the Synagogue of the Jews and the masjid 'al-arḑi¹ there. Ibn Duqmāq, under "Synagogue of the Syrians²," says that this Khūkhah³ is near that synagogue; while under Kanīṣah Barbāra⁴—which is a Coptic Church still remaining in the Qaṣr, north-east of the synagogue—he states that the church is near the Khūkhat Khabīṣah, and that a masjid separates the two: and a masjid al-arḑi is said in another place⁵ to be between the Khūkhah and the Kanīṣah Barbāra.

Now this gives us inside the easterly wall of the Qaṣr, starting from north-east, the Kanīṣah Barbāra, a masjid, the Khūkhat Khabīṣah, the Synagogue of the Syrians, then a house described below under Zuqāq Mahatt al-Laban as between the synagogues, finished by the Synagogue of the Irāqians at the south corner, on or very near the bastion.

This being so, and the Khūkhah being only approachable from the Musāsa, one is led to suppose that that district extended upwards, perhaps from some little way south of the Qaṣr, along its eastern side, that it was near the wall of the fortress, with perhaps only a row of houses adjoining the wall, and its various lanes all leading out eastwards.

There are two references to a Zuqāq (Ben) Khabīṣah among the MSS.:—

אלטבקה אלפוקאניה אלדאר אלהקדש פי זקאק כביצה אלמערוף בדאר
אבן בשר⁶

¹ Masjid al-mu'allāq and m. al-arḑi seem to be the respective descriptions of a mosque in an upper story and one on the ground.

² IV, p. 108.

³ A khūkhah may be a postern, or an open space between two houses.

⁴ IV, p. 107.

⁵ IV, p. 81.

⁶ T-S. 6 J 1¹.

אלמלאזקה ללכניסה מן באב אלנסא אלדי פי זוקאק בן כביצה ותערף
בראר סמאנה¹

The latter describes the zuqāq as in the Qaşr.

Of the streets and lanes in the fortress the most prominent is the Khaṭṭ Qaşr ash-Sham'. Makrīzi² speaks of this Khaṭṭ, stating that the Mu'allāqa church is upon it, and that it has zuqāqs and darbs running from it. Ibn Duqmāq³ says that there are ways from it to five places: (1) from beneath the Mu'allāqa to the Sūq al-Kabīr, (2) by Zuqāq at-Turmus to Sūq as-Sawwāfīn, (3) by Darb Mahatt al-Qurb to Sūq as-Sammākīn, (4) to the Khaṭṭ Dar al-Walaih and Hamām Būrān, (5) by Darb al-Hajar to Suaikat Mahars Banāna.

There is a mention of the Khaṭṭ in one of the documents⁴ which speaks of a house in Fustāt Miṣr "in the Khaṭṭ Qaşr ash-Sham' on the border of one of its lanes called Masjid al-Qubbah." This lane Ibn Duqmāq⁵ says is in the Qaşr, and entered from the Khūkhat Khabīṣah. Under the masjids⁶ he describes "Masjid al-Qubbah", that is, Qubbah Rumaniah which is a covered way": also he speaks of another masjid on the Zuqāq Masjid al-Qubbah, and of another at the end of Zuqāq Mahatt al-Laban which is said to be ذو البابين, i. e. "having two gates," the first from this zuqāq and the second from one of the zuqāqs of Masjid al-Qubbah.

Of the Zuqāq Mahatt al-Laban there are two MS. notes⁸, as follows:—

ואחצר לה ר' שבתי דנן כתב הרה אלדאר אלדי חצרנא פ אלדי בין
אלכניסחין אלמעמורתאן בבקא אדונינו וישראל ברוכים יהיו אלתי בחצרה
אלזקאק אלמערופ בוקאק אללבן אלתי נאזעה עליהא בשר בן אבונצר אלדבאנ.
אלדאר אלמערופה בהבאת קרימא אלמנאורה לדאר אבו אלחסן
אלדאכלתין פי אלזקאק אלמערופ בוקאק אללבן.

¹ T-S. 20. 96.

² *Khiṭaṭ*, vol. I, p. 288.

³ V, p. 38.

⁴ T-S. 12. 720.

⁵ IV, p. 16.

⁶ IV, p. 81.

⁷ Qubbah signifies vault: for the Saqifat Masjid al-Qubbah, see Ibn Duqmāq, IV, p. 49.

⁸ T-S. 8 J 5^{9, 12}.

Ibn Duqmāq¹ says that this lane starts where three ways meet in the Qaṣr, one of which goes by the side of Masjid Ibn al-N'amān, and another to the Darb al-Hajar which leads to the Mahars Banāna. He says it is not a thoroughfare, that a Kanīṣah of the Melchites (Greek Christians) is upon it at the left of the entrance, and on the right of the end is a masjid ḍu bābin. Under the description of the Kanīṣahs of the Christians², he gives the Church of the Lady Mary as situated on Mahatt al-Laban on the Zuqāq al-Iskandrāni upon the left of its entrance: and the next, Kanīṣah Firianus, is described as on the right of the end of the said zuqāq, having two gates.

The Mahatt al-Laban appears to have been connected at the crossway mentioned above with the Mahatt al-Qurb, which led to the North or River Gate of the Qaṣr, باب الحصن البحري.

One document mentions the Zuqāq al-Yahūd³, and a house situated upon it: according to the historian⁴ it was not a thoroughfare, and began on the right of the entrance from the gate of the Qaṣr from beneath the Mu'allāqa; it was so called because of the Jewish synagogue upon it. This description seems to imply that it led to the southern, or rather south-east corner, where was situated the Synagogue of the Irāqians.

The Zuqāq at-Turmus is mentioned in two MSS.⁵, the one simply speaking of a house as *בית זקאק אלתרמס במצר*, the other apparently noticing a masjid on the zuqāq, possibly the Masjid Mu'allāq noted as on that lane⁶.

On the second document which has Zuqāq at-Turmus is also mentioned a *בית זקאק אלתרמס*⁷ which, apparently, was previously known as *אלעזיאפה*, being in the Qaṣr. Unfortunately the MS. is very defective, but the description is worth quoting:—

¹ IV, pp. 15, 30, 45.² IV, p. 108.³ T-S., unclassified at present.⁴ Ibn Duqmāq, IV, p. 15.⁵ T-S. 12. 88, 24. 44.⁶ Ibn Duqmāq, IV, p. 81.⁷ T-S. 24. 44.

והרה אלהאר בפסטאט [מצר בקצר אחרום אלמער] וף בקצ[ר אלש] מע
 פי אלוקאק אלמערופ בוקאק אלהראני וכאן יערף ק[דימא] מה
 באלציאפה [עלי ימנה or ישר] ה מן דכל מן באב אלקצר אלמדכור מן
 נאחיה באב אלכראטין . . . טרק ש . . י מן טרקאת . . . [אלד] אר עלי
 ימנה מן דכל פי הדא אלוקאק דאת אלבאב אלחניה ו ואלם
 . . קילאל עלו ויחית בהדא אלהאר [יש] תמל עליהא חרוד ארבעה אלהר
 אלאול והו אלקבלי ינתהי אלי אלהא[ר אלמערופה] בסלאמה אליהודי
 אלקוזאז ואלחר אלתאני והו אל[בח] רי ינתהי אלי אלהאר אלתי לאסמאעיל
 בן אברהים אלאסראילי אלתאלת והו אלשרקי ינתהי אלי אלסאחה אלתי
 פי אל[דא] ר אלמערופה באלחראני אלפאצלה [פימא?] בינהא ובין . .
 [לו?] באנין ושריכהמא ואל[א] כרי תערף באבו אלכיר אליהודי ובאבן
 קרטאנה ופי [הד] א אלהר ישרע ל אלמסגד . . . אלוקאק
 אלמערופ בוקאק אלתרמס

As there is a lacuna before ציאפה this may not have been the name of the lane. However, neither that name (as belonging to the Qaṣr), nor חראני is found in Ibn Duqmāq. Neither does one come across the כראטין, the turners¹, except in these MSS., where, however, there are two more references, one of which makes it clear that this ואשתרכנא פי אלהאן was a gate of the Qaṣr: אלהאר אלכראטין אלמרסומה בביע אלזית ואלקטאני בפסטאט מצר באב קצר אלשמע אלמערופ בבאב אלכראטין, “and we entered into partnership in the shop known for the sale of oil and pots in Fustāt at the gate of Qaṣr ash-Sham’, known as the Gate of the Turners².” This is of the date A.D. 1104, while the above-quoted document is of A.D. 1102. The next has lost its date; it speaks of a house בקצר אלמערופ אלשמע פי אלצקע אלמערופ בוקאק מכיל גיר נאפד אלמסלוק מנה אלי³. This last gives another lane apparently unmentioned elsewhere, מכיל, not a thoroughfare. Also with regard to the אבו אלכיר אליהודי mentioned in the MS. of 1102 A.D. it is noteworthy that twenty years before, in 1082, there had been some trouble with a person of the

¹ خراط signifies turner.

² T-S. 12. 525.

³ T-S. 16. 72.

same name with regard to the synagogue of the בבליים, for he is spoken of as follows¹:—

פלמא באן ענר אנצראף אלנאם מן בית הכנסת דכל אבי אלכיר דנן
מן אלטריק אלי אלהיכל ואכרג ספר תורה ואחרם כל מן אחרמה בגיר
&c. חק וכרג מן אלכנים . . .

In a document of the eleventh century² appears a house,
בפסטאט מצר בקצר אלרום ויערף בקצר אלשמע פי אלוקאק אלמסלוק
מנה ערה דאת אלבאבין אלרי אחרהמא אלי אלשארע ואלאכר
אלי אלוקאק אלמערוף בוקאק אזהר אלשופט נע

Ibn Duqmāq states that the gate of the *زربية ذات البابین* was on the Zuqāq at-Turmus³, and that there was an entrance to the *Khatt al-sāḥl al-qadīm* from the lane of the *زقاق* *ذات البابین*⁴. Under the description of the *الكنيسة المعروفة بالسيدة* *ذات البابین* he says that the church is there, and that the gates are from this zuqāq and the Zuqāq Mahatt al-Laban.

The Zuqāq אלשופט אזהר does not appear elsewhere, neither does the Zuqāq אלמסאבין (of the poor, or humble), which is given in the following extract from a document⁵:—

והדא אלדאר אלמדכורה בקצר אלשמע במצר פי אלוקאק אלמערוף
בוקאק אלמסאבין

Among the other localities and buildings mentioned as being in the Qaṣr ash-Sham' are the following:—

אלדאר אלתי במצר בקצר אלשמע אלרי כאנת תערף למז יוסף בן
אברהם אלצידלאני⁷

The document in which this occurs is of the date A.D. 1094, and the name of the house was possibly very ancient; for in the document of A.D. 750⁸ the undesirable person to whom the owner of a portion of the house there

¹ T-S. 18 J 11.

⁴ V, p. 40.

⁷ T-S. 13 J 23.

² T-S. 20. 16.

⁵ IV, p. 16.

⁸ See *J. Q. R.*, vol. XVII, p. 426.

³ IV, p. 15.

⁶ T-S. 20. 87.

described agreed *not* to transfer it was יוסף אלכהן אלצידלאני בן אברהם אלמערופ בן כיש. His name had possibly remained attached to some house in the Qaṣr for some 300 years.

The next house is ¹אלדאר אלתי לאסמאעיל בן אברהם אלאסראילי, mentioned in connexion with the זקאק אלהראני and the באב אלכראטין, which have been dealt with above.

On another document ² are דאר בשארע אלגואנייה, דאר אלצבאג, סכן אלחלבי, דאר אלחפאר אלמערופה בדאר מימון בן כיאט אלמגריבי, דאר סמאנה (?), and דאר קט . . . ללגמל. These appear all to be connected with the Synagogue of the Syrians. Another MS. ³ speaking of a house on the Khatt Qaṣr ash-Sham' at the end of the lane of Masjid al-Qubbah, says that its south side adjoins אלמערופה בסכן הררת הנגידות. In the document ⁴ which names the Church of Bu Sargah a house is described with its boundaries, but the description is very mutilated. Houses are also named as being in Qaṣr ash-Sham' in a marriage contract fragment without date ⁵, and in another fragment ⁶, but the description of both is lost.

In another undated MS. ⁷ משה בן יפת הפרנס הנאמן עלי הלוי בן חסן transfers to his son (לשמואל בני הקטן) a house in a court in the Qaṣr, which, on its north side, is near the courtyard of אבו אליסר הערל (the uncircumcised), and on its western side joins the courtyard of עלי הלוי mentioned above.

In a document ⁸ which speaks of משה בן יפת הפרנס הנאמן אלדאר אלמסתגרה אלעמארה ראש ה אלתי במצר בקצר אלשמע. This finishes the references which are clearly connected with the Qaṣr ash-Sham'.

The Musāsa.

The first thing that is noticeable with regard to this district is that the mart called سوقة اليهود, the market of

¹ T-S. 24. 44.

² T-S. 20. 96.

³ T-S. 12. 720.

⁴ T-S. 12. 499.

⁵ T-S. 12. 615.

⁶ T-S. 12. 555.

⁷ T-S. 12. 641.

⁸ T-S. 12. 585.

the Jews, is nowhere mentioned in the documents. Ibn Duqmāq does not give it special mention, although in speaking of the Musāsa he constantly names it.

It would seem, as has been suggested above¹, that this Musāsa extended down the easterly side of Qaṣr ash-Sham' and beyond that fortress to the south, that it was almost next to the wall of the Qaṣr, and therefore its lanes mostly opened towards the east; the reasons for this assumption being that it was connected by lanes with the Sūq al-Kabīr and the Mu'allāqa Gate of the Qaṣr, and that on it was the house of the Rīs al-Yahūd, whose property extended to the wall through which he could obtain access to the Jews inside the fortress.

Ibn Duqmāq thus speaks of the Khaṭṭ المصوصة²:

"It is near the said Khaṭṭ (Qaṣr ash-Sham'), and on it are alleys and lanes and covered ways³ which will be noticed in their place, if it please God; and it has five approaches: the first enters it from Darb 'Umar from beneath Saqīfa Khīra, the second from Darb al-Salsala from Tajīb, the third from the New Darb from Mahara, the fourth from Darb al-Kurma, the fifth from Mahars Banāna."

Makrīzi⁴, in speaking of the Tajīb, says:—

هذه الخطة تلى خطة مهرة وفيها درب الممصوصة آخره حائط من الحصن الشرقي

"This joins the Mahara, and on it is the Darb Musāsa at the end of the eastern wall of the fortress."

He also, in giving a list of the Jewish synagogues, after stating that there is in Fustāt a synagogue on the Khaṭṭ Musāsa on Darb al-Kurma, and that there are two synagogues in the Qaṣr, says⁵:—

(كنيسة المصاصة) هذا الكنيسة يجلبها اليهود وهي بخط المصاصة من مدينة مصر
ويزعمون أنها رمت في خلافة أمير المؤمنين عمر بن الخطاب رضى الله عنه

¹ See p. 23 above.

² V, p. 38. There are three forms of the name used, מצוצה, מצאצה, and ממצוצה.

³ دروب وازقة وسقايف.

⁴ *Khiṭaṭ*, vol. I, p. 297.

⁵ Vol. II, p. 471.

وموضعها يعرف بدرب الكرمة وبنيت في سنة خمس عشرة وثلاثمائة للاسكندر وذلك قبل الملة الاسلامية بنحو ستمائة واحد وعشرين سنة ويزعم اليهود أن هذه الكنيسة كانت مجلسا لنبي الله الياس

The سوقة اليهود mentioned above seems to have been a portion of the Musāsa, for the زقاق ابن بكر¹ is described as having three entrances, from al-Darb al-Jadīd, Darb al-Kurma, and from Darb Abi Bakr on the Suaikat al-Yahūd on the Musāsa, "and all these places are now in ruins." Also under the heading خوخة الغائزي² it is stated that هذه الخوخة بالمصاصة بسوقة اليهود.

This Mart of the Jews is mentioned under the headings of several of the Darbs of the Musāsa³: Salsalah, which is said to enter the suaiah opposite the Jewish butcher's shop (حانوت مجزرة اليهود); Ibn Bakīr beside the Salsalah, at the middle of the suaiah; al-Mu'asir, which is on the left of the entrance from the suaiah to Darb Mahars Banāna; and this Darb Mahars Banāna, which is at the end of the Khatt al-Musāsa, and is the road from the suaiah and Darb Ibn Bakīr.

Of most of these lanes there are notices which will be dealt with presently.

The Mahars Banāna is mentioned on a very small piece of paper which contains the following rough note and nothing besides: חבם בנאן אלגזירה ענר בו אסחאק ב. The ב probably signifies 2½, half א being frequently used to denote ½.

Of the fragments dealing with the Musāsa district one⁴ is full of references which are of interest. One of the properties to which the deed refers is a quarter of a טאחון (water-mill). This is seemingly its description:—

והי בפסטאט מצר בכט אלממצוצה בחצרה סקיפה בן כירה שארעה אלי אלטריק אלמסלוך פיה אלי אלממצוצה ותגיב ודאר אל. . ת אלקדימה ודרב עמאר ואלסוק וגיר דלך מן אלטרק ואלאמאכנ אלמתו. צ. . . א

¹ Ibn Duqmāq, IV, p. 14.

³ IV, p. 26.

² IV, p. 30.

⁴ T-S. 16. 172.

בבעץ והרה אל פי מא בין אלטאחונין אלמערופה אלאחדא המא במחאסן אלטחאן ותערף אלתאניה בסכן קאסים אבן קרי תגרי פי מלך [אבן אלגארק?] אליהודי והי תקאבל דאר תערף [קרי] מא בגלאם &c., אללה אבן אבי קרי

The vellum, as is evident, has lost much of its edges and both top and bottom: but enough remains to show that the property was situated on a lane leading perhaps through the "covered way" (סקיפה) of Ben Khīra from the Musāsa to Tajīb, another road.

The following quotation from Ibn Duqmāq¹—useful because of its mentioning again the house of the Head of the Jews—supplies information which suggests the words supplied in square brackets above:—

(سقيفة خيرة) هذه بخط المصاصة ويعرف بسقيفة خيارة وقد تقدم ذكر ذلك (سقيفة ابن الغارق) هذه يعلوها ملك ابن الغارق اليهودي المتطبب وهي أمام دار رئيس اليهود ويسلك من سفها الى باقى المصاصة وهي مشهورة فى مكانها ❖

The MS. later on mentions [אלגארק?] and other places, and speaks of a certain אבי אלחסן, whose Jewish name seems to have been יפת הלוי, and אלשיך אבי אלכרם אבן אלדיין.

The mills and millers that appear in the records are chiefly situated in the district of the Musāsa. In the document above we have two mills at least, the first called that of מחאסן the miller (אלטחאן), and the second the dwelling of קרי אבן קרי, קאסים אבן קרי, and possibly a third between them belonging to אבן אלכרם אבן אלדיין, who from an extract given below seems to have been the father of מחאסן.

There is a house of محسن بن أبى الكرام² which is near the Zuqāq الصنم, a lane which leads from the gate of the Sūq al-Kabīr, near the Darb 'Umar³. This will probably be that of מחאסן the miller. There is also a letter addressed to الشيخ ابو المحاسن اليهودى which speaks of him in the text as אלשיך אבן אלמחאסן בן אלמנגם⁴. Perhaps we may connect

¹ IV, p. 49.

² Ibn Duqmāq, IV, p. 23, line 3.

³ IV, p. 21.

⁴ T-S. 10 J 7¹.

him with the *خلف المنجم اليهودي* described by Ibn Duqmāq under the Saqīfa¹ of that name, which he says was opposite *طاحون الشريف الصبان*, another mill, while the Jew after whom it was called dwelt in a shop adjoining. These may be two of the name *מחאסן* but they were both connected with mills.

With regard to the mill known as the *סכנ קאסיס אבן קרי* we have a *Zuqāq* *ابن قري*² which is on the right of the entrance of the Darb 'Umar, and a *فندق ابن قري* also, near the *Sūq al-Kabīr*, the latter perhaps the same as the mill.

In the MS. quoted above (. . . *והי בפסטאט מצר* . . .) we have a road joining the Musāsa and Tajīb and Darb 'Umar and "the Sūq" which is probably the *Sūq al-Kabīr*.

In another MS.³ *דאר אלמערופה בסכנ חשיש אלטחאן* is given as in the Musāsa and seemingly near the *דאר אלמערופה בסכנ* שרנו ראש הקהלות.

Under Ibn Duqmāq's description of the masjids in the Musāsa⁴ we find under masjid Ibn Bakr that on the Darb of that name there was a lane leading to the houses of the *بنى الحشيش*, which is mentioned again under the masjid *mu'allaq* near by. The dwelling of *חשיש אלטחאן* may be one of these houses⁵.

Of the lanes and streets connected with the Musāsa the most prominent is the Tajīb, which was mostly in ruins in the time of the historians. This is not a street from the Musāsa but is joined to it by some four or five of the lanes.

Ibn Duqmāq gives a list of the eight masjids on what he calls the remaining ruins of Tajīb⁶. He speaks there of *Zuqāq* *ابن كونه* and of Darb *السلسلة* joined to Tajīb by a lane, and a *حارة تجيب*.

Makrīzi makes the Tajīb join the Khaṭṭ Mahara, and says that on it is the Darb *المصومة* at the end of the eastern wall of the fortress⁷. It was one of the oldest parts of

¹ IV, p. 49.

² IV, p. 22.

³ T-S. 16. 137.

⁴ IV, p. 81.

⁵ Another mill *מאחון אלזעראן* has been noted on p. 18.

⁶ IV, p. 81.

⁷ I, p. 297, see above, p. 29.

Fustāt, being named after the mother of one of the soldiers of 'Amr.

In the documents the following entries occur:—

אלדאר אלתי אנא מאלכהא אלאן במצר בכט תגיב אלמערופה קדימא
בסכן ואלדי נע ואגבה וסמך לה מלכתה כל חק וכל טלב וכל זכותה
מתעין לי פי ארת דלאל אבנת אלשיך אבו עמראן אבן עס . . .¹

The person for whom the document was drawn up was
אלשיך מוסי בן אלשיך אבו אלברכאת.

אלדאר אלדי לי (אבו אלפכר אלגבאן בר סעדיה) פי זקאק אלשמש
גואר אלזריבה והי בכט תגיב שרכה אבו אלפצל אלזבאן אבן אבו
אלעז אלגבאן²

The אלשמש זקאק and the זריבה do not appear to be
mentioned elsewhere. The Tajīb was also spoken of in a
MS. dealt with above³.

The Zuqāq ابن بكر is thus described by Ibn Duqmāq⁴:—
هو من جملة أزقة المصاصة يسلك اليه من الدرب الجديد من تجيب . . .
وله ثلاث مسالك من الدرب الجديد ومن درب الكرمه ومن درب أبي بكر
بسويقة اليهود بالمصاصة . . .

At the time of his writing it was all ruins.

In a document of 1203 A.D.⁵ a property is thus spoken
of:—

אלדאר אלכבירה [אלתי באלזקאק] אלמערופה ב[ז]קא[ק] בן בכיר פי
אחרי זוקתה בחצרה אלדרב אלגדיר אלמע[רופה] בסכן ז . . . אל[שיך]
אבו אלפצל . . .

In a fragment which belongs to the thirteenth century⁶,
mentioning אלשיך אבו אלפרג הוא מז ור ישועה התלמיד חננאל
פי אול לזקאק אלמערופה, some property is described as
באבן ב[כיר]?, probably a house formerly called the house of
אלדרב אלגדיר is zuqāq. this may be the same zuqāq. אבן נאטא

¹ T-S. 13 J 3²⁵, A.D. 1215.

² T-S. 8 J 6¹⁴.

³ T-S. 16. 172, see p. 30 above. See also below, T-S. 12. 562, p. 34.

⁴ IV, p. 14.

⁵ T-S. 12. 602.

⁶ T-S. 12. 483.

mentioned again in another document, and is spoken of below¹.

To the Zuqāq מר זבאן there are two MS. references, one of A.D. 1076² and one of A.D. 1120³; the former speaks of אֶלְדָּאָרִין אֶלְתִּי בַמְצַר בַּאֲלִמְצָאָה פִּי אֶלְקָאָק אֶלְמַעְרוֹף בּוֹקָאָק מַר זַבָּאן : the latter, of which much is lost, mentions אֶלְדָּאָרִין אֶלְתִּין בַּפֶּסְטָאָט מַצַּר דַּאֲבֵלָה פִּי אֶלְקָאָק אֶלְגִּיר נַאֲפֵד אֶלְמַעְרוֹף בּוֹקָאָק מַר זַבָּאן.

Beside these houses the following places are named: אֶלְפֶּסְקִיָּה אֶלְתִּי פִּי וְסַט הָדָא אֶלְקָאָה ; אֶלְקָאָה אֶלְסַפְלִי דַּאֲת אֶלְמַגְלָם ; אֶלְדָּאָר אֶלְגֻּל ; אֶלְמַמְצוּצָה ; אֶלְדָּאָר אֶלְצִגְרִי מִן הָאֲתִין אֶלְדָּאָרִין ; אֶלְבּוּזָאן ; (on the south of the houses) דָּאָר כָּאֲנַת תַּעְרָף בָּאֲבָן קֶטְאִיף ; תַּגִּיב אֶלְכְּרָאָב אֶלְמַעְרוֹף ; אֶל . . . אֶלְמַעְרוּפָה בַּאֲלֵאֲשֵׁרָאָף (on the north) ; בָּאֲבָן אֶלְחַמְאָמִי מַר זַבָּאן (on the east) ; and apparently the lane מַר זַבָּאן on the west separating between the houses and אֶלְדָּאָר אֶלְמַעְרוּפָה כָּאֲנַת בָּאֲבָן וְלִיד אֶלְבּוּזָאן.

Ibn Duqmāq, speaking of زقاق زبان⁴, says that it begins opposite the Masjid العیثم ; that it formerly penetrated into the Suaiqat al-Āshrāf, but did not in his day. He does not mention the Musāsa.

Other mention is made of a majlis (assembly) in the documents: one says⁵ פִּי סָלָם בַּאֲקָרָק ק פִּיָּה בִּי וְסַט סָלָם יוֹצֵעַ אֶלִּי מַגְלָם, and, מַגְלָם . . .

A small piece of paper⁶ reads:—

וְאֶלְדָּהֲלִיזִין וְאֶלְקָאָה אֶלְסַפְלִי דַּאֲת אֶלְמַגְלָם . . . וְבָאָב מַסְדּוֹד וְדַאֲת אֶלְצִקָּאָף אֶלְתֵּלָאֲת . . . פִּי אֶלְקָאָק אֶלְנַאֲפֵד בָּאֲן אֶלְמַסְדּוֹד מִן דְּכֵלָה מִן נַאֲחִיָּה אֶלְמַמְצוּצָה

The note of Makrīzi on the synagogue in the Musāsa already quoted⁷ informs us that the Jewish tradition was that this synagogue was the مجلس of the Prophet Elias.

There was a house named קָאָה (אֶלְמַעְרוּפָה) אֶלְדָּאָר אֶלְמַדְכּוֹרָה

¹ See p. 37, line 8.

² T-S. 16. 5.

³ T-S. 12. 562.

⁴ IV, p. 18.

⁵ T-S. 8. 243.

⁶ Without class-mark at present.

⁷ See above, p. 29.

(קאעה), as appears from a document¹ which seems to describe it as being בפסטאט מצר בסוק אלכביר באלסרייה פי צדד הדא אלוקאק אלגיר נאפר. This had been the dwelling of אבו אלמחאסן זין אבו אלמנגא and was in the part possession of אלגאולי . . . אלשיך אבו אלמכארם, יוסף אלשראבי, אללוי אלזיאת ידוע בן גלאב.

There is said to be a place called قاعة ابن اليزیدی upon the Hart בני اليزیدی which adjoins the Sūq Barbar, and which is on or near the Zuqāq زقاق²; but as קאעה may signify courtyard or place it may be a general term here. These, however, if not the same, must have been very near one another. One may note the tank described as “אלפסקיה” which is in the middle of this קאעה³, and that the term רהלז used at the beginning of the quotation means a portico or vestibule.

Of אלכזואין⁴ (the repositories, the magazines) we may have another note in אלכזואנה אלרי פי זאוויה אלסרלא גאנס mentioned in connexion with the house of the Head of the Captivity in the Musāsa⁵.

אלרדאר אלגול. This house is described as אלרדאר אלגול in one document⁶, and in the quotation above simply אלקרמה שרכה יוסף אלזוגאר⁷. It is spoken of by Ibn Duqmāq twice⁸, as being separated from a masjid by القبة الخضراء and as having on its western side the ملك بن سيف zuqāq. The Sūq of the same name is described as being separated from Mahars Banāna by the place of دار الولاية⁹.

There is another document speaking of אלרדאר אלמערופה¹⁰ אלגואלה which may possibly refer to the same house: on the same MS. are אללמונה, אלאצטבל אל . . . , אלכליג אלמבארך

¹ T-S. 16. 117.

² Ibn Duqmāq, IV, p. 13, and p. 84, line 16.

³ See above, p. 34, line 9. فَسْقِيَّة = piscina, and signifies a tank or basin, primarily for the ablution before prayer known as وُضوء, but afterwards used for any tank.

⁴ Ib., line 10.

⁵ T-S. 16. 137; see above, p. 32, line 15.

⁶ T-S. 8. 150.

⁷ From T-S. 12. 562; see p. 34, line 10.

⁸ IV, pp. 24, 34.

⁹ IV, p. 36.

¹⁰ T-S. 12. 50.

زقاق الشريف. There was a [דר?] ב אלשריף, אלמטל עלי אלכליג near the masjid مرسل mentioned above¹. The מסנר אללימונה does not appear in Ibn Duqmāq.

...². אלמערופה באלאשראף. In the reference given this place or house is stated to be north of a house of which the south border is דאר אבן קטאף and the east כראב אבן דאר אבן קטאף and the east כראב אבן דאר אבן קטאף with מר זבאן on the west apparently, separating the house from אלבזאן. In another MS.³ the דאר אלשרף is on the north of a house of which the south side adjoins אלנאמאן עבר אלדאר, the east a road to the במונה and the west אלדאר שמש אלדולה מלחק בן אלסטר. This house is described as in Fustāt in במונה on the road leading to אלצנארקין and אלסיסבאטין. Ibn Duqmāq notes a سقيفة⁴ which was on the right of the two entrances from Sūq Barbar to Suaikat Nuām. A suaikat اشراف is spoken of under the زقاق into which that lane used to enter, but did not in the historian's day.

is spoken of in a document of A.D. 1261⁵ in the following manner:—

רובע הרירה אשר מעכשיו אלדי הי בנט אלממצוזה במצר ראכל דרב
יערף בדרב אלמקארסה

Ibn Duqmāq describes the Darb as being على يسرة السالك and that the Darb as-Salsalah was on the right of the entrance of this Darb into the Suaikat al-Yahūd. The house with which the document deals is called אלזאריה: and may seem to have some connexion with a ruined part described by Ibn Duqmāq, called the كوم الجراح⁶, which was immediately south of the Suaikat Nuām spoken of above. Another MS.⁷ apparently speaks of this كوم in 1214 A.D. when two owners of houses agree to build a strong gate upon the place: ויזעל על אלי מוצע אלמדכור באב ותיק פסאלאן יבין:

¹ IV, p. 24.

² See above, p. 34, line 12.

³ T-S. 13 J 3⁹.

⁴ IV, p. 47.

⁵ T-S. 12. 549 with 564.

⁶ IV, p. 53.

⁷ T-S. 13 J 4¹⁴.

the Qaṣr and not in the district of the Musāsa as far as can be seen, must now be recorded with less attempt at order.

אלסרייה. This is spoken of in three MSS.¹, one of which gives אלדאר אלתי במצר באלסרייה and the other two mention it in intimate connexion with the Sūq al-Kabīr. The زقاق الصنم ("lane of the mistress")² is said to begin from the gate of the Sūq near the Darb 'Umar, and is so named from a concubine of Pharaoh سرية فرعون; while in the enumeration of masjids³ there is a درب السرية mentioned as near the Darb 'Umar.

A ררב אלכתב is spoken of⁴ which one may perhaps identify with the درب المكتب⁵ which was on the right of the entrance from Mahars Banāna to the Hamām as-Saidah.

A ראר אלשיך אלסעד⁶ may be upon the Zuqāq بن الاسعد الغطي where was that person's house.

A באב אלחומה⁷ may perhaps be referred to the description of the قيسارية ابن ميسر الكبرى which was on the Sūq Wardān. This is said to have been a Waqf and the written waqf was nailed to its gate, and it goes on to say ثم وقعت عليها الخوطة السلطانية.

There is also one notice of the כלני בני ויל⁸.

These notes, rough as they are, may serve to further the researches of others into the history of the Jews in Egypt. There are a few other references, too vague to be included among them, and in the quotations given houses and localities have been passed over in silence because the historians do not appear to mention them. A few of the MSS. referring to the synagogues should be interesting to an Arabic expert, and of course there will be numerous documents in the collection that give other details which will have escaped an unpractised eye.

¹ T-S. 12. 552, 12. 694, and 16. 117.

³ IV, p. 80.

⁴ T-S. 12. 605.

⁶ T-S. 13 J 3²⁶, Ibn Duqmāq, IV, p. 18.

⁷ T-S. 8. 101, Ibn Duqmāq, IV, p. 38.

² Ibn Duqmāq, IV, p. 21.

⁵ Ibn Duqmāq, IV, p. 26.

⁸ T-S. 8. 130.

It only remains to record my gratitude to Mr. David Yellin, of Jerusalem, for his kindness in giving me information, and revising the proofs as far as opportunity served, thus rendering me a considerable service.

ERNEST JAMES WORMAN.

THE CIVIL RIGHTS OF ENGLISH JEWS¹.

HAVING already surveyed the manner in which a Jewish community was allowed to grow up in England, and the Jewish religion which was at first extra-legal and the profession of which, but for the dispensing power of the Crown, would have involved serious criminal consequences, was at length legalized by being admitted to the benefit of the Toleration Act; it remains to consider the legal rights of professed Jews.

This subject may be conveniently divided here into two heads, civil and political rights; for though it is true that these two adjectives are really synonymous, the one being a Latin word and the other its Greek equivalent, and that, in a country with a popular form of government, no very sharp line of demarcation can be drawn between them, yet the distinction is intelligible and useful for our present purpose; civil rights including the power to protect from wrong both person and property, and political rights the power to take part in the legislation and government of the country. The obvious intention of some of the enactments of the latter half of the seventeenth century was to exclude from any share in the government all who were not members of the Anglican Church; but as to civil rights, with which we will first deal, there were no special enactments concerning the Jews, and they had to take the law as they found it, without any exceptions in their favour in cases where, owing to their own peculiar customs and laws, it would have been not unreasonable to look for them.

We have seen that before the expulsion of the Jews in

¹ This paper forms the eighth of the series on "The Jews and the English Law."

1290 there had been in force several statutes exclusively relating to them, but that these statutes could not affect the Jews on their return in the seventeenth century because they were no longer in the position of bondsmen of the king; but, on the other hand, the method of applying the common law of the land to the Jews that had been in vogue before their banishment, in so far at least as it was not a necessary consequence of the status of villenage which no longer existed, could be and, when substantial justice would thereby be done, actually was revived by the courts of law. The cases in which such application was most necessary were the celebration of marriage and the administration of the oath in courts of justice. The law as to the marriage of Jews must be left to a separate article, and it will suffice now to deal with the capacity of a Jew to be a witness, and his right to be sworn in a manner binding upon his own conscience, namely, on the Pentateuch or the Old Testament, instead of upon the New Testament.

Lord Coke¹, writing anterior to the resettlement, lays down that an infidel cannot be a witness, and there is little room for doubt that he meant to include Jews, whom he generally calls infidel Jews. Sir Matthew Hale—in a passage of his *History of the Pleas of the Crown*, which, though the work was not published till after his death, on Christmas Day, 1676, must have been written before the point was decided by the Courts, for there is no reference to the decision—takes a very different view. “It is said,” he writes, “by my Lord Coke that an infidel is not to be admitted as a witness, the consequence whereof would also be that a Jew (who only owns the Old Testament) could not be a witness. But I take it, that although the regular oath, as it is allowed by the laws of England, is ‘*tactis sacrosanctis Dei evangelis*,’ which supposeth a man to be a Christian, yet in cases of necessity, as in foreign contracts between merchant and merchant, which are many times transacted by Jewish brokers, the testi-

¹ Co. Lit., 6 b.

mony of a Jew 'tacto libro legis Mosaicae' is not to be rejected, and is used, as I have been informed, among all nations. Yea, the oaths of idolatrous infidels have been admitted in the municipal laws of many kingdoms, especially 'si iuraverit per verum Deum creatorem,' and special laws are instituted in Spain touching the form of the oaths of infidels. And," he adds, "it were a very hard case, if a murder committed here in England in presence only of a Turk or a Jew, that owns not the Christian religion, should be dispunishable, because such an oath should not be taken, which the witness holds binding, and cannot swear otherwise, and possibly might think himself under no obligation, if sworn according to the usual style of the Courts of England. But then it must be agreed that the credit of such testimony must be left to the Jury¹." It was not long before the point had to be decided. In the case of *Robeley v. Langston*, which was tried in the Court of King's Bench in the month of January, 1667, several Jewish witnesses were produced and the Chief Justice swore them upon the Old Testament only; whereupon an objection to their evidence was taken on the ground that if it was false, it would not render them liable to a prosecution for perjury, but the Court overruled the objection². The same practice was adopted in the Court of Chancery, though it was apparently not found necessary to introduce it until Michaelmas Term, 1684, when "a Jew being to put in an answer upon a motion, it was ordered that he should be sworn upon the Pentateuch, and that the plaintiff's clerk should be present to see him sworn³." Nevertheless the swearing of Jews in this manner was for some time regarded as exceptional, and as such we find references to it in the reports, for instance, in the report of Francia's trial for high treason, in 1717, mention is made of the fact that the witness Gonsales was sworn on the books of Moses; and as late as the year 1729,

¹ *Hist. Placit. Coronae*, part II, p. 279.

² 2 Keble, p. 314.

³ 1 Vern., p. 263.

in the case of *Gomez Serra v. Muncz*, there is a note that "the bail in this case being both Jews were suffered to put on their hats while they took the oath¹." At length, in Michaelmas Term, 1744, the whole question was discussed in the well-known case of *Omychund v. Barker*, in which Lord Chancellor Hardwicke, assisted by the heads of the three common law courts, decided that all persons who believe in a supreme being, who will punish them if they swear falsely, are competent witnesses, and should take the oath in the form binding upon them according to the tenets of their religion. In the course of his judgment Chief Justice Willes says, "It is plain both from Madox's *History of the Exchequer*, pp. 167 and 174, and from *Selden*, vol. III, p. 1469, that the Jews here in the time of King John and Henry the Third were both admitted to be witnesses and likewise to be upon juries in causes between Christians and Jews, and that they were sworn upon their own books or their own roll, which is the same thing. I will likewise oppose" [to Lord Coke's assertion] "the constant practice here almost ever since the Jews have been permitted to come back again into England; viz., from the 19 Car. II (when the cause was tried which is reported in 2 Keble 314) down to the present times, during which I believe not one instance can be cited in which a Jew was refused to be a witness and to be sworn on the Pentateuch²."

The Court further held that perjury might be assigned in cases where the special form of oath had been administered. The objection that this could not be done was taken by counsel for the defendants, who desired to exclude the evidence of persons of the Gentoo religion taken on commission in India on the ground that the words *tactis sacris evangelis* were necessary words in an indictment for perjury. Upon this objection Lord Chief Baron Parker said, "This is not true in fact; but supposing it was, yet this is not the only case where witnesses cannot be prose-

¹ See XV St. Tr., p. 961 and 2 Strange, p. 821.

² Willes, p. 543.

cuted, for there is no possibility of prosecuting them where the depositions are taken out of England ; but if they were here, I should be of opinion they might be indicted upon a special indictment, for I do not think *tactis sacris evangelis* are necessary words, for several old precedents are that the party was *iuratus* generally, or *debito more iuratus*¹." And Chief Justice Willes dealt with the point in the same way, saying, "This objection has been in a great measure already answered by the Chief Baron, and it may receive two plain answers ; first that these words, *supra sacrosancta Dei Evangelia* or *tactis sacrosanctis Dei Evangelis* are not necessary to be in an indictment for perjury. They have been omitted in many indictments against Jews, of which several precedents have been laid before us ; and they are not in the precedents of such indictments which I find in an ancient and very good book, entitled *West's Simboliography* ; but it is only there said *supra sacramentum suum dixit et deposuit* or *affirmavit et deposuit*. Besides, this argument if it prove anything, proves a good deal too much ; for if there were anything in it, many depositions of Christians have been admitted, and many more must be admitted or else there will be a manifest failure of justice, where the witnesses are certainly not liable to be indicted ; for when the depositions of witnesses are taken in another country, it frequently happens that they never come over hither, or if they do cannot be indicted for perjury because the fact was committed in another country²."

It is plain from the report that several prosecutions had been instituted against Jews for perjury because precedents had been searched and brought before the Court ; but, on the other hand, such prosecutions must have been very rare, for when in the course of his argument the Solicitor-General was requested by the Lord Chief Justice to deal with the point, he declared, "There is no instance of a Jew's being indicted for perjury." Lord Chief Justice Lee, "I have

¹ 1 Atk., p. 43.

² Willes, pp. 553, 554.

tried a Jew myself upon an indictment of perjury." Mr. Solicitor-General insisted, "That the indictment would not be wrong against a Jew if it was *tacto libro legis Mosaeicae*¹." Half a century later it became necessary to hold that a Jew who professed belief in the doctrines of Christianity might, although never formally admitted to Christianity, be sworn in the common form on the New Testament. In the case of the King against Gilham, one John King, a money broker, was called as a witness and sworn in the ordinary way. He said that he was born a Jew but had been of the established religion since he had been of capacity to judge for himself, and that he now professed to be of that persuasion. He admitted that he had been married according to the Jewish rites, and that his first wife had been a Jewess, and that he had never been baptized or formally renounced the Jewish religion or been admitted a member of the Established Church. Lord Kenyon ruled that as the witness considered himself bound by the precepts of Christianity, that the obligation of an oath so taken was sufficiently binding².

As questions of this kind occasionally arose³ the Act

¹ 1 Atk., p. 35. For the report of the case see 1 Atk., pp. 21-30; 1 Wilson, p. 84, and Willes, pp. 538-54.

² *Rex v. Gilham* (1795), 1 Esp., p. 286. See also 6 T. R., p. 265. The validity of King's second marriage to Lady Lanesborough had been before Lord Kenyon five years before this time. See *Ganer v. Lady Lanesborough*, 1 Parke, p. 25.

³ For instance, during the trial of Queen Caroline in the House of Lords in 1820, a discussion arose as to the proper mode of swearing an Italian witness, in the course of which Lord Erskine related the following anecdote. "I remember a case to have occurred when I was at the bar. A person came into the court of King's Bench, in the time of Lord Kenyon or Lord Mansfield, I think Lord Kenyon. Lord Chief Justice Eyre was sitting in the other court—a witness came who did not describe himself to be of any particular sect, entitling him to an indulgence, but stating that from certain ideas in his own mind he could not swear according to the usual form of the oath; that he would hold up his hand and would swear, but would not kiss the book. . . . He gave a reason which appeared to me a very absurd one—'because it was written in the Revelations that the angel standing upon the sea held up his hand.' . . .

to remove doubts as to the validity of certain oaths (1 and 2 Vict., cap. 105) was introduced and passed in the year 1838. It provides "that in all cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman or a witness or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office or employment, or on any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such person may declare to be binding; and every such person in case of wilful false swearing may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted."

From the earliest times after the resettlement the judges of the courts of law admitted Jews as competent witnesses and allowed them to take the oath according to their own usages. They also showed, still further, a spirit of toleration by no means universal in the seventeenth century, for they in some instances actually arranged their cause lists in such a way as to allow cases in which it was known Jews would be material witnesses to be heard on days other than the Jewish Sabbath; for example, in the year 1677 the plaintiff in the case of *Barker v. Warren* had leave given by the Court to alter the venue from London to Middlesex because all the sittings in London were on a Saturday and his witness was a Jew and would not appear that day¹. Similar indulgences when no serious inconvenience has been caused have frequently been

I said this does not apply to your case, for in the first place you are no angel, secondly, you cannot tell how the angel would have sworn if he had been on shore." Lord Kenyon, having consulted Chief Justice Eyre held that, though the witness was not of any particular sect, the form of oath which he said would be binding on his conscience (whether his reason was a good one or a bad one) ought to be administered to him. (*Hans. Parl. Deb.*, 2nd series, vol. II, p. 912).

¹ 2 Mod. Rep., p. 271.

granted, and in the year 1900 Mr. Justice Ridley postponed the sitting of the Long Vacation Court, which would have taken place on the Day of Atonement, to the following day, at the request of Mr. D. L. Alexander, Q.C., the present President of the Board of Deputies, who at that time was the leading counsel practising in the Vacation Court. This example was still more recently followed by Mr. Justice Bigham, who sat late and so arranged his list at the Liverpool Winter Assizes of 1904 that the evidence in the Jewish libel case of *Fineberg v. the Chief Rabbi* and the members of the Liverpool Schechita Board should be concluded before the commencement of the Jewish Sabbath.

In the same generous spirit, if we may make a short digression, the courts in enforcing the law merchant, which is incorporated in the common law, have had regard to Jewish religious scruples and have held the necessity of observing the Jewish Sabbath or other holy day set apart by the Jews for religious purposes a special circumstance excusing a Jew in the habit of observing it from performing on that day any act of business which otherwise would be incumbent upon him ; for instance, in the case of a bill of exchange or promissory note notice of dishonour must be given within a reasonable time of the actual dishonour of the bill or note, and in the absence of special circumstances the notice is not given within a reasonable time unless it is sent off on the day after the dishonour of the bill ; but the fact that such day is Sunday, Christmas Day, Good Friday, or a Bank Holiday is a sufficient excuse entitling the holder or indorser of the bill to give the requisite notice upon the day following, and on the same principle it has been held that a Jew is not bound to give such notice on the Day of Atonement but may wait till the next day, and the same principle would extend to the Jewish Sabbath and New Year, and the first and last days of the Festivals in the case of a person accustomed to keep his place of business closed on those days.

The point was decided as long ago as 1811, in the case of *Lindo v. Unsworth*. Then the bill sued on had been dishonoured on Saturday, Oct. 6, and Messrs. Hoare, the bankers, in whose hands the bill was, sent to give notice of the dishonour to the plaintiff on Monday the 8th, but that being the Day of Atonement, and he being by religion a Jew, his counting-house was shut and there was no way to communicate the notice to him until after the post had been dispatched. On the 9th he sent off a letter by the post giving notice of the dishonour of the bill, addressed to the defendant at Lancaster. It was contended that the notice was bad, but Lord Ellenborough ruled as follows:—"I think the plaintiff was excused from giving notice on the 8th upon the score of his religion. The law required him to give notice with reasonable diligence; and I think he did so, if he sent off the letter as soon as he could after the termination of the festival, during which he was absolutely forbid to attend to secular affairs. The law merchant respects the religion of different people. For this reason we are not obliged to give notice of the dishonour of a bill on our Sunday. But it was equally impossible for the defendant to give this notice on the 8th of October. The letter sent off on the 9th is therefore sufficient," and there was a verdict for the plaintiff¹.

Returning from this digression we have seen that the capacity of a Jew to be a witness was decided soon after the resettlement in a manner contrary to the view held by Lord Coke. That great jurist had also expressly laid down that a Jew was incapable of bringing an action, and this point also had soon to be decided. The real difficulty of admitting a Jew's evidence was the mode of administering the oath, but the alleged incapacity had been based, not upon the form of the oath, but upon the argument that the testimony of infidels in whatever way they were sworn could not be accepted.

¹ *Lindo v. Unsworth* (1811), 2 Com., p. 602. See also *Tassel v. Lewis* (1695), 1 Lord Raymond, p. 743, and the Bills of Exchange Act, 1882, sec. 49 (12) and sec. 92.

The alleged incapacity to sue was also supported by similar reasoning. Christianity being part and parcel of the law of England, those who did not profess it could not have the rights of Englishmen but, whether born within the king's allegiance or not, must be aliens, nor could they be alien friends, but must be regarded as alien enemies, even though they might be here under the special permission of the king. Lord Coke, in his report of the judgment of the Exchequer Chamber in Calvin's case, thus lays down the law: "All infidels are in law *perpetui inimici*, perpetual enemies (for the law presumes not that they will be converted, that being *remota potentia*, a remote possibility), for between them, as with the devils, whose subjects they be, and the Christian there is a perpetual hostility, and can be no peace; for, as the Apostle saith, 2 Cor. vi. 15 'Quae autem conventio Christi ad Belial, aut quae pars fidei cum infidele?' and the law saith, 'Iudaeo Christianum nullum serviat mancipium, nefas enim est quem Christus redemit blasphemum Christi in servitutis vinculis detinere.' Register 287 'Infideles sunt Christi et Christianorum inimici.' And herewith agreeth the book in 12 H. 8, fol. 4, where it is holden that a Pagan cannot have or maintain any action at all¹." In his introduction to the report Coke admits that he has exercised what he styles the right of every reporter to state the true reasons and causes of the judgment in the way that seems to him the fittest and clearest for the right understanding of them. In consequence, even at the time the report was very severely criticized. Nathaniel Bacon says of it: "In handling this case the honourable Reporter took leave to range into a general discourse of Ligeance, though not directly within the conclusion of the case²."

Nevertheless a statement of law made by so high an authority was generally accepted, and we find the very

¹ Rep. VII. 17 a, 17 b.

² *Historical Discourse on the Uniformity of the Government of England*, part II, cap. 8, edition of 1647, p. 78.

words of Lord Coke's proposition embodied in Wingate's *Maxims of Reason or the Reason of the Common Law of England*¹. Nor was the doctrine regarded as at all unreasonable, seeing that it was undoubtedly the law that a person excommunicated by the law of holy church was at this time incapable of bringing an action². It was much enlarged upon in the arguments of counsel in the great case of monopolies between the East India Company and Sandys, where the question for decision was whether the Company, which had obtained from the king letters patent conferring upon its members the exclusive privilege of trading to the East Indies, could maintain an action for damages against the defendant for trading thither without licence. It was contended that inasmuch as the inhabitants of the Indies were infidels no subjects of the king could trade with them without licence from the king for fear that they might renounce their faith; for the king has the preservation of religion by the law vested and reposed in him, and will take care to give licence to traffic to such only as he is confident will never waver from their profession. In support of this contention the passage in Coke was cited and the treatment of the Jews prior to the expulsion was referred to. Upon this topic Pollexfen in his speech for the defendant said: "My lord, pray let us consider of late times what a number of Jews have lived among us; should we declare this for law at this day, that the people ought to use them as alien enemies, strip them, plunder them, knock them on the head, kill them and slay them? What would be the consequence? What work would this make? For if this be true, what they assert that they are perpetual enemies, then we can have no peace with them; whoever owes a Jew anything may play the Jew

¹ *Maxims*, edition of 1658, p. 10.

² Co. upon Lit., 138 b. This disability continued until 1813 when it was removed by statute (53 Geo. III, cap. 127, sec. 3). For the effect of excommunication and its employment before the passing of this statute see Lecky, *Hist.*, vol. III, pp. 494-6.

with him, never pay him; whoever has a mind to anything he has, may take it away from him; if he has a mind to beat him, and knock him on the head, he may; there is no protection for him, nor peace with him. My lord, I do believe that it is true that the Jews being under the curse, and having been a vagrant people for so long a time, and having no prince to defend them, it is probable they have been made havoc of, and our kings and princes have made bold to do with them according to their own pleasures; though what is recorded of it is so long ago, that it is hard to know the whole truth. But I think they are no precedents to be followed now, unless they had been followed by a succession of practice and authority in our books of law¹." Sir Robert Sawyer, the Attorney-General, who appeared for the plaintiffs, met this argument by saying that if infidels came into England under a safe-conduct, then until such safe-conduct was formally determined by the king, no subject could seize the person or goods of such alien enemies, and that even when the safe-conduct was determined the right of seizing the property of alien enemies did not belong to the subjects, but was expressly reserved to the king. And this he illustrates by the appropriation by the Crown of the debts due to the Jews and the property they left behind them at the time of their expulsion². The court ultimately decided the case, which was pending for nearly two years, from Trinity Term, 1683, to Hilary Term, 1685, in favour of the plaintiff, but the important arguments based on the status of the Jews were not expressly dealt with in the judgments³.

Before, however, this judgment was given, the point was raised in a separate case in the Court of King's Bench in Michaelmas Term, 1684. The case is noted in Lilly's

¹ X St. Tr., p. 447.

² The fallacy of this argument is the omission of all mention of the special status of villeins of the king then attaching to the Jews.

³ The case is reported, X St. Tr., pp. 371-554, 2 Shower, pp. 366-72, and Skinner, pp. 132-7, 165-73, 197-204, 223-6.

Practical Register as follows: "A Jew brought an action, and the defendant pleaded that the plaintiff is a Jew, and that all Jews are perpetual enemies *Regis et Religionis*." But it was held by the court that "a Jew may recover as well as a villein, and the plea is but in disability so long as the king shall prohibit them to trade; and judgment was given for the plaintiff¹." The notorious Jeffreys, a great stickler for the prerogative, was at this time head of the King's Bench, and therefore it is not surprising that the decision given in favour of the Jews is based upon the king's right to treat them as villeins, if he pleases, in accordance with the precedents in the times of the Norman and Angevin kings.

A few years later, in 1697, the point was again referred to in *Wells v. Williams* in the Court of Common Pleas; in arguing which case counsel said: "A Jew may sue at this day, but heretofore he could not, for then they were looked upon as enemies. But now commerce has taught the world more humanity²," and Serjeant Salkeld, in his report of the case, indicates that the doctrine of Coke was expressly overruled by the Court. "Turks and infidels are not *perpetui inimici*, nor is there a particular enmity between them and us; but this is a common error founded on a groundless opinion of Justice Brooke; for though there be a difference between our religion and theirs, that does not oblige us to be enemies to their persons; they are the creatures of God and of the same kind as we are, and it would be a sin in us to hurt their persons. Per Littleton (afterwards Lord Keeper to Charles I), in his reading on the 27 Ed. III, 17. M.S.³—a statute which provides that a merchant stranger shall not be impeached for another's debt but upon good cause, and that merchants of enemies' countries shall sell their goods in convenient time and depart. Nevertheless, as late as 1744 Chief Justice Willes, in giving his opinion in the case of *Omychund v. Barker*, thought it necessary to refer to this

¹ *The Practical Register* (1719), vol. I, p. 4.

² 1 Lord Raymond, p. 282.

³ 1 Salk., p. 46.

question. After citing the passage from Lord Coke, he says : " But this notion, though advanced by so great a man, is, I think, contrary not only to the scripture, but to common sense and common humanity. And I think that even the devils themselves, whose subjects he says the heathens are, cannot have worse principles ; and, besides the irreligion of it, it is a most impolitic notion, and would at once destroy all that trade and commerce from which this nation reaps such great benefits. We ought to be thankful to Providence for giving us the light of Christianity, which he has denied to such great numbers of his creatures of the same species as ourselves. We are commanded by our Saviour to do good unto all men, and not only unto those who are of the household of faith ¹."

This is a good illustration of the way in which the common law of England has been altered and developed so as to meet the needs of the times. When fairly considered, Sir Richard Brooke's opinion (upon which Coke's doctrine was professedly founded), as stated in the year book (12 Hen. VIII, fo. 4), cannot properly be called groundless, but it was not necessary for the decision of the case before the court, in which the question was whether an action of trespass would lie for beating the plaintiff's servant and taking away his dog ("quum servum suum verberavit et unum canem (vocat a bloodhound) cepit et asportavit"), to lay down that if a lord beat his villein, or a husband his wife, or a man beat an outlaw or a traitor or a pagan, they shall have no action because they are not able to sue an action. In the same way the statement in Calvin's case that infidels are perpetual enemies could also be treated as merely *obiter dictum*, for it also was irrelevant to the issue in the case, which was whether persons born in Scotland after the union of the crowns of England and Scotland were in England aliens or natural born subjects and so capable of inheriting lands in England. When therefore the point was raised in the courts at the end of Charles II's and in William III's reign, it was

¹ Willes, p. 542.

possible to disregard the opinions of those eminent judges, and to pronounce a decision in accordance with the views of the more enlightened portion of the country at the end of the seventeenth century¹.

The capacity of Jews to hold land or other real property in England was also for a long time a question of serious doubt among lawyers. If all Jews, whether born within the realm or not, were aliens and perpetual enemies of the king, then they were incapable of holding land, for until the year 1870 no alien could hold land in England. The question could hardly be one of practical importance in the early days of the return of the Jews to England, for the newcomers were all foreigners, and it was not till their children born here had grown up that it called for serious attention. By this time Coke's doctrine that infidels are perpetual enemies had been already exploded, and accordingly, in the year 1718, Sir Robert Raymond, then Attorney-General and afterwards Lord Chief Justice of England, gave it as his opinion that a person born in England, though a Jew, could hold and enjoy an estate in fee simple in English land, and that on his death it would descend to his issue as the lands of other subjects, and not be forfeited to the Crown. Some five years later, when the oath of abjuration was modified in favour of the Jews (by 10 Geo. I, c. 4), the opinions of ten of the most prominent counsel of the day were taken upon this question. Though separately consulted, they all agreed that a subject of his Majesty born in

¹ This is of course no reason for asserting that the earlier opinions were groundless; on the other hand that they were probably well founded appears from the following passage in Lord Stowell's judgment in the *Le Louis* case decided in 1817. "With professed pirates there is no state of peace. They are the enemies of every country, and at all times; and therefore are universally subject to the extreme rights of war. An ancient authority, the laws of Oleron, composed at the time of the Crusades, and as supposed by an eminent leader in those expeditions, our own Richard I, represents infidels as equally subject to those rights; but this rests partly upon the ground of notions long ago exploded, that such persons could have no fellowship, no peaceful communion with the faithful," 2 Dodson, p. 244.

England or a free denizen, being a Jew, may purchase lands¹. However, shortly afterwards, the pre-expulsion legislation against the Jews was unearthed and relied on in support of the alleged disability. There were two statutes dealing with the matter. In 1271 a statute or ordinance (55 Hen. III) had been enacted, prohibiting Jews from holding any freehold lands excepting only the houses then in their possession in which they were actually living, but four years later the statute *de Iudaismo* slightly increased their power to acquire land, for the right was granted them to "buy Houses and Curtilages in the Cities and Boroughs where they abide, so that they hold them in chief of the King; saving unto the Lords of the Fee their services due and accustomed."

The first of these ordinances does not appear in any of the printed editions of the statutes, and was discovered by Tovey in an ancient MS. in the Bodleian Library, and first printed by him in his *Anglia Iudaica* in the year 1738; its authenticity is, however, firmly established, and so it was agreed that opinions given fifteen years earlier without knowledge of its existence were of little or no value. This point was much discussed during the passage and repeal of the Jewish Naturalization Act of 1753, and after the repeal of the Act Lord Temple moved in the House of Lords that some method might be taken to ascertain this question, and that for this purpose the judges might be desired to attend and give their opinions upon it, but the motion was rejected, principally upon the ground that the judges are not obliged to give their opinions to the House upon such extra-judicial questions, where no bill is depending². Even as late as 1830 there were those who thought that this alleged incapacity still existed, for Mr. Blunt, in his excellent *History of the Jews in England*, published in that year, is unable to resist this conclusion³,

¹ For copies of these opinions see Webb, "The question whether a Jew, &c." pp. 42-6.

² 2 Swanston, p. 508 note, from Mr. Coxe's MS. notes.

³ See Introduction, p. v, and pp. 119-27.

and in the same year that unrivalled Master of Real Property, Lord St. Leonards, then Solicitor-General, in presenting a petition from one Lewis Levi, asking for a declaratory law to remove all doubts as to the power of Jews to hold landed property in fee, stated in the House of Commons that he concurred entirely with the petitioner in thinking such a law was necessary. A little later in the session leave was asked to bring in a bill for this purpose by Colonel Wilson, who said that "he was aware that the opinions of the high law men at present was, that the Jews might hold landed property like other British subjects; but, though that was the present dictum of lawyers, it did not follow that it would be the opinion of their successors," and added that he had himself been dissuaded some years before from buying some landed property of a Jew by Sir Samuel Romilly who had given it as his opinion that he could not obtain a good title from a Jew. The motion was opposed by Mr. R. Grant, who had taken up the Jewish cause, on the ground that it would be prejudicial to the general question of the abolition of the Jewish disabilities to deal with them piecemeal, and negatived without a division¹. It has already been pointed out that these ancient statutes could have no application to the Jews after their return to England centuries later, when the status of villeinage no longer existed²; and certain it is that the Jews long before 1846, when the Ordinance of Henry III and the Statute *de Iudaismo* were formally repealed, did with impunity openly hold and enjoy landed estates other than houses in towns or cities in which they resided; a well-known instance is given by Sir Francis Goldsmid, Q.C., in his remarks on the civil disabilities of British Jews, who says that the late Chief Justice Lord Ellenborough (who died in 1818) gave a practical proof of his concurrence in the belief that Jews might hold

¹ Hansard, 2nd series, vol. XXIV, p. 236, XXV, p. 429.

² *J. Q. R.*, vol. XIV, pp. 667-9.

land, by purchasing without hesitation of Mr. Benjamin Goldsmid a valuable freehold seat at Roehampton¹.

If a Jew born here, or otherwise having acquired the rights of a natural born subject, was capable of holding land and other real property, then there was nothing in our law to prevent his holding an advowson, a species of real property which confers upon the owner the right of presentation to a church or ecclesiastical benefice. And so a Jew, owning an advowson, might present a duly qualified person to fill any vacancy which might occur. It must, however, be evident that if this form of property had been frequently possessed by Jews, attempts, which would have almost certainly proved successful, would have been made to abolish it. Indeed, the right had been taken from Roman Catholics by various statutes, and in cases of advowsons owned by Papists the right of presenting to the benefices when they became vacant vested in the Universities of Oxford and Cambridge, according as the livings were situate in the several counties mentioned in the Acts². Similarly, in the Act to permit persons professing the Jewish religion to be naturalized by Parliament, the famous Jew Act of 1753, a clause was inserted disabling Jews from purchasing or inheriting any advowson or right of patronage, but the popular clamour raised by the passage of this Act was so great that the Houses of Parliament felt constrained to repeal it as the first measure of the ensuing session, and, as the repeal was of the whole Act, the clause imposing the disability was also annulled³. Henceforth, therefore, the Jews were under no such disability, unless the statutes or ordinances of the

¹ p. 4. See also Sir Samuel Romilly's argument in the Bedford Charity case, 2 Swanston at p. 511, and for the whole subject Lord Lyndhurst's remarks in introducing the Religious Opinions Relief Bill (1846) in the House of Lords. *Hans., Parl. Deb.*, 3rd series, vol. LXXXV, p. 1254.

² See 3 Jac. I, cap. 5, secs. 18-21; 1 W. & M., cap. 26, sec. 4; 13 Anne, cap. 13, sec. 1, and *Edwards v. the Bishop of Exeter* (1839), 7 Scott, p. 676, and 5 Bing. N. C., p. 652.

³ 26 Geo. II, cap. 26 and 27 Geo. II, cap. 1.

pre-expulsion period, which it has already been argued were not applicable, imposed it. When in 1846 these ordinances were formally repealed, as there was no clause dealing with advowsons in the repealing Act, any doubt there may have been on this point was removed, and, however inconvenient or undesirable it may be, it is now undoubtedly the law that a Jew or any other Dissenter, except a Roman Catholic, may have the right to present to a vacant living in the Church of England¹. In the case of Jews, though not of other Dissenters, it was thought fit in 1858 to restrict this right by enacting, in the Act which enabled the Houses of Parliament to modify the form of oath to be administered to their members in such a way that Jews could take it, that when any person professing the Jewish religion held any office in the gift of the Crown to which the right of presentation or of appointment to any ecclesiastical benefice is annexed, such right should devolve upon and be exercised by the Archbishop of Canterbury for the time being².

A Jew therefore, if he holds an advowson in his own right, may present to a living, but he can only present a duly qualified person, that is, a clerk in holy orders, for no one not episcopally ordained will be instituted by the bishop. A Jew was, unless he had previously renounced his religion, incapable of becoming a clergyman; and therefore Jews who had committed crimes and been convicted of them could not, according to the opinion of many great legal writers, avail themselves of the benefit of clergy which other malefactors, on a first conviction for felony, were at liberty to plead in mitigation of punishment. This right, known technically as *privilegium* or *beneficium clericale*, originated in the claim which in early times, when Papal supremacy was still recognized,

¹ In *Mirehouse v. Rennell*, which was decided in the House of Lords in 1833 before these old ordinances had been repealed, this was stated to be the law by Lord Wynford in 7 Bligh. N. S., 322.

² 21 & 22 Vict., cap. 49, sec. 4.

had been made by the ecclesiastics to exemption from temporal jurisdiction, and, when charged with criminal offences, to be tried by the ecclesiastical courts in accordance with the provisions of the canon law. This claim had never been recognized to its fullest extent in England, but the privilege in question had been regulated by a number of statutes, the result of which was that in the time of Charles II any person convicted of felony punishable with death, as all felonies with few exceptions such as petit larceny then were, could before judgment claim his clergy. The result of the granting of this claim was that the convict, having already by conviction suffered forfeiture of all his goods and chattels, was liable to be kept in prison for a time not exceeding one year and, if a layman, to be branded in the hand, after which he could not have the benefit of clergy a second time, but was subject to no further penalty; but, if in holy orders, he was, after 18 Eliz. c. 7, discharged without any further punishment, and could again have the benefit of clergy, however often he might be convicted of a clergyable offence. Benefit of clergy did not, however, apply to cases of treason or any misdemeanour less serious than felony, and was especially ousted or abolished in the case of murder, robbery, and the more atrocious kinds of felony. It was no doubt originally allowed only to those who had been ordained priest or deacon and had "*habitum et tonsuram clericalem*," but had been demanded on behalf of, and gradually conceded to, all who were supposed to be capable of taking part in the service of the church, which was interpreted as meaning all who could read. But the test of reading was not a severe one, for it became reduced to repeating a scrap of Latin, in nearly all cases the same three words, "*Miserere mei, Deus*," which became known as the neck verse, and was probably familiar to the bulk of the criminal classes. Thus the privilege was retained long after its original cause had ceased to exist, and defended as a relaxation of the extreme severity of the common law which punished many offences of a comparatively trivial

nature with the penalty of death. But it was never extended to persons not capable of holy orders; by no means a small class, including women and, according to the books, blind persons and all who did not profess the Christian religion; as was said in Poulter's case: "The common law doth not deny *beneficium clericatus*, the benefit of his clergy, but in certain cases: as if a man be convicted of any heresy, he shall not have his clergy for any felony, &c. The same law of a Saracen, Jew, or other infidel. *Gravius est enim divinam quam temporalem laedere maiestatem*; the same law in case of high treason against the king¹." Such persons, if they offended, were left to the extreme rigour of the common law and to the mercy of the Crown. The unfairness of the state of the law did not pass unnoticed. In 1623 women convicted of grand larceny of goods not exceeding ten shillings in value, and in 1691 women found guilty of any clergyable felony were placed on the same footing as men entitled to clergy. At length in 1706 the idle ceremony of reading, which, as the statute says, by experience had been found to be of no use, was dispensed with by 5 Anne, c. 6, s. 6, which, being liberally interpreted, according to Sir Michael Foster, "entitled those who before were supposed to be under a legal incapacity for orders, as Jews and some others were, and likewise those who in presumption of law were not qualified in point of learning, to the indulgence of the law in common with the rest of their fellow subjects²." It should be added that the whole system of benefit of clergy was swept away in 1827 by 7 & 8 Geo. IV, c. 28, which also abolished the death penalty for all felonies which had formerly been clergyable. Sir William Blackstone takes a view contrary to the authorities which have been quoted, and questions whether it was ever ruled for law that Jews were before 1706 incapable of the benefit of clergy. Happily for the good name of the

¹ 11 Co. Rep., p. 29 b.

² Foster's *Crown Cases*, p. 306. The statutes as to women are 21 Jac. I, cap. 6 and 3 & 4 W. & M., cap. 9.

Jewish community in these early days, this was a purely academic question, for the Jews in England did not commit the crimes for which this privilege in mitigation of punishment had been granted, as Tovey, speaking of the reign of Charles II, says: "But tho' so few of them were converted, in this Reign, to Christianity, yet in some measure they lived up to the precepts of it, by a regular observance of all civil duties. For I find no complaints against them of any kind, excepting such as related to the Custom-House; from which they cleared themselves by pleading the King's Patent¹."

The real disabilities, whether civil or political, which were imposed upon the Jews, arose almost entirely from the form of oath or the method of administering it. The political disabilities were occasioned by the tests and forms of oaths enacted by Parliament; the civil ones for the most part by the custom, almost universal at one time, of administering the necessary oath upon the New Testament, a method wholly unacceptable to a conscientious Jew. Many civil disabilities were no doubt imposed by the statutes aimed against Popish recusants, but, as has been previously stated, these statutes were not enforced against the Jews, who, though in strictness liable to the penalties enacted by them, were regarded as exempt by reason of the dispensations granted by Charles and James II. The most irksome

¹ *Anglia Judaica*, p. 285. The passage in Blackstone is vol. IV, pp. 373, 374, but all the authorities are the other way. See Fost., p. 306; 2 Hale, p. 373; 11 Co. Rep., p. 29 b; and Hawkins, *Pleas of the Crown*, vol. IV, p. 249. Leach's edition of 1795, who says: "Not only those actually admitted into some inferior order of the clergy, but also those who were never qualified to be admitted into orders (which was tried by putting them to read a verse) have been taken to have a right to this privilege, as much as persons in holy orders, whether they were persons lawfully born or bastards, aliens or denizens, in the communion of the church or excommunicate, within the common benefit of the law or outlaws, &c., so that they were not heretics convict, nor Jews, Mahometans, nor Pagans; nor under perpetual disability of going into orders; admitting of no dispensation, as blind and maimed persons formerly were, and women still are."

of all these disabilities was the impossibility for a Jew to become a freeman of the city of London, and so no Jew could exercise any retail trade within the city boundaries, for, by the by-laws of the corporation of London, retail trade in the city was strictly confined to freemen. By the local usage of the city the oath tendered before admittance to all those entitled to the freedom was always administered upon the New Testament, and thus the Jews were excluded. In the year 1739 an attempt was made to allow Jews to take the necessary oath on the Old Testament. In Trinity term of that year a rule was obtained in the court of King's Bench against the city chamberlain, calling upon him to show cause why he should not admit Abraham Rathom, a person duly qualified, to the freedom of the city. To this rule a return was made that it was the ancient custom to administer the oath of a freeman on the New Testament, but that when the oath was tendered to Rathom on the New Testament he refused to take it, although he was not a Quaker, and therefore he was not admitted. The case was three times argued at the bar, and finally the Chief Justice Sir Robert Raymond delivered the resolution of the Court. Upon this point he said: "The last objection made is, that it is not reasonable to confine the oath to the New Testament in trading cities, where a man's religion is of no consequence, and ought not to interfere. But the question before us is not whether upon a proper application the Jews may not be allowed to swear upon the Old Testament, as they do when they give evidence; but whether this custom of taking an oath in the usual manner is unreasonable upon the face of it"; he then cites authorities as to the definition of an oath, and says that Christianity is part of the law of the land, and continues: "It was said that the law does not require the New Testament in all cases, particularly as to evidence given by Jews. But the reason of that is, because all courts desire to have the best security they can for the truth of the evidence; and therefore, as it is known they have a more solemn obligation to speak the truth when

sworn on the Old Testament, it is for that reason allowed. The common regular way of swearing is on the New Testament, and shall we say that a custom requiring such a regular oath is bad? The 1 Eliz., c. 1, s. 19, take notice of an oath upon the Evangelists, and the abjuration oath (till altered for the Jews by 10 Geo. I, c. 10, s. 18) runs upon the true faith of a Christian. We therefore think that this is a good return and allow it¹."

In this respect Jews were in an inferior position to Quakers, in whose favour Acts of Parliament had been passed, enabling them in all cases where an oath was required, except in criminal cases or to save injuries or to bear any office or place of profit in the Government, to make an affirmation instead of the oath, and who therefore could not be excluded from civil rights upon the ground that they refused to take the oath when duly tendered in the customary form².

Thus the Jews were unable to become citizens of London, and were in consequence by the by-laws of the city excluded from all retail trade within its boundaries; wholesale trade was, however, open to them, and from the first days of their return several of their number had occupied prominent positions as merchants in the city. In addition to their total exclusion from all branches of retail trades, the number of Jewish brokers permitted to carry on business in the city was strictly limited to twelve, who received licences from the court of aldermen. These licences they were allowed to transfer upon payment of a fine to the Lord Mayor, which in the course of time

¹ *Rex v. Bosworth* (1739), 2 Strange, pp. 1112-4.

² The statutes are 7 & 8 Will. III, cap. 34; 8 Geo. I, cap. 6 & 22 Geo. II, cap. 46, sec. 36. See *Rex and Morrice v. the Mayor of Lincoln* (1698), 12 Mod., p. 190 and 5 Mod., pp. 399-403, where the Mayor of Lincoln was compelled by mandamus to admit a Quaker to the freedom of the city; and *Rex v. the Turkey Company* (1760), 2 Burn, pp. 943 and 1,000, where a Quaker was held to be entitled to be admitted to the Turkey Company upon his affirmation without taking the oath prescribed by the Act of Parliament regulating the Company.

became a valuable perquisite¹; but if a Jewish broker died without having transferred his licence the appointment fell to the city and might be disposed of to the highest bidder. The place of a Jewish broker was thus of considerable value and at least on one occasion became the subject of litigation in the courts. In the year 1750, upon the bankruptcy of a Jewish broker, a petition was presented to the Court of Chancery, praying that his place as broker might be sold for the benefit of his creditors, but Lord Chancellor Hardwicke held that it could not be considered as an office, and refused the petition².

It remains only to add that in the year 1829 the following motion was unanimously carried in the Court of Common Council, "That it be referred to the Committee relative to wholesale dealers to make inquiry and report as to the municipal or legal impediments by which Jews carrying on business in the City of London are debarred from taking up their freedom of the City of London." In consequence of the report subsequently sent in, an Act was passed on December 10, 1830, by the common council, for enabling persons to take the oath according to the forms of their own religion³. And so since the year 1831 the custom of

¹ "As much as £1,500 has been paid for a broker's medal, and a system of disgraceful jobbing has been the consequence; a Lord Mayor and four Aldermen next in succession to the chair having formerly conspired together to raise the customary fee for transferring a broker's medal from £100 to £500 in which they succeeded. Taking customary fees (however unjust) might perhaps be palliated by immemorial usage; but may it not be asked in the case just alluded to, in the offensive sense of the word, who was the greatest Jew, my Lord Mayor or the broker? It is not astonishing that cases should have occurred where a broker has retaliated upon his lordship; and it was whispered many years back, when these transactions took place, that by threats of exposure sums have been disgorged and paid back again to the broker." *Brief memoir of the Jews in relation to their civil disabilities* by Apsley Pellott, himself a member of the Corporation, published in 1829.

² See *ex parte Lyons* (1750), Ambler, p. 89.

³ See Welch's *Modern History of the City of London*, p. 167. *Journal*, 105, fols. 5, 6.

administering the necessary oath on the New Testament only was no longer adhered to, and Jews have without any Act of Parliament having been passed in their favour enjoyed all the privileges of the citizenship of London.

In the same way the exclusion of Jews from the various professions was due to their inability or unwillingness to comply with the regulations, especially where these included the taking of an objectionable oath, laid down by those who had the right to control the admission of candidates, and not to any impediment created by the general law of the country. It is sometimes said that the profession of the law was an exception to this general rule, and some colour is lent to this theory by the existence of provisions in certain statutes, namely 1 Geo. I. st. 2, c. 13, s. 2, 2 Geo. II, c. 31, and 9 Geo. II, c. 26¹, obliging "every person who shall act as a Serjeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Writer in Scotland, Proctor, Clerk or Notary," under pain of incurring severe disabilities and forfeiting £500, to take the oaths mentioned in the first-named Act. Among these was the oath of abjuration (affirming the legality of the Hanoverian succession, and renouncing allegiance to the exiled House of Stuart), which ended with the words "upon the true faith of a Christian," and therefore could not be taken by a self-respecting Jew. In the year 1766 the terms of the abjuration oath were slightly altered (by 6 Geo. III. c. 53), but the obnoxious final words were still retained. But these oaths had not to be taken before admission to the legal profession, but

¹ The earlier statutes 5 Eliz., cap. 1, sec. 5, and 7 Jac. I, cap. 6, secs. 12-18, providing that persons entering the legal profession should take an oath upon the evangelists, were apparently treated as no longer in force, either because they were regarded as being superseded by the later Acts, or because the oaths specified in them had been abrogated by 1 W. & M., cap. 8, and it would seem from sec. 25 of the Act of James I that it was never intended to be more than a temporary Act. These statutes applied equally to schoolmasters, and the last one to the medical profession, and were formally repealed in 1846 by 9 & 10 Vict., cap. 59, sec. 1.

within a certain time afterwards¹. That time was originally three months, but the second-recited Act extended it to the end of the term following admission, and the third to six months.

In the first year of George II an indemnity Act was passed, by which all persons who had neglected to qualify themselves for any office or employment by omitting to take the necessary oaths, &c., are indemnified and recapacitated provided that they qualified themselves on or before November 28, 1738, and every year until the year 1868, when the enactment of the Promissory Oaths Act made their continuance no longer necessary, similar Acts of indemnity were passed enlarging the time for qualification till some day in the following year. Therefore, after the reign of George II, there was nothing in the Acts recited to prevent a Jew from entering the legal profession, if he was willing to take the risk, not a very serious one, of the annual indemnity Act not being re-enacted, and his accordingly becoming incapacitated to continue to follow his profession upon the expiration of the time limited by the existing Act.

But, on the other hand, admission to the legal profession could only be obtained through the medium of certain persons or societies who, though not bound to do so by any Act of Parliament, might lay down conditions with which Jews could not comply. For instance, the right to admit to the degree of barrister-at-law, holders of which alone are entitled to plead in the superior courts and are therefore considered the higher branch of the legal profession, has from time immemorial been vested in the

¹ The position of Roman Catholics wishing to practise the law was different, for the statute 7 & 8 Will. III, cap. 24, providing under pain of incurring the penalties of praemunire that no person should practise law without first taking certain oaths (none of which were obnoxious to Jews) and making a declaration against transubstantiation, effectually excluded them, prior to the Roman Catholic Relief Act of 1791, from all participation in the legal profession except the calling of a conveyancer which was not expressly mentioned in the statute.

Inns of Court. These are voluntary societies, and no member of the public has an inherent right to be admitted to them¹. Persons once admitted members must then become qualified for call to the bar, and one of the qualifications which, having regard to the statutes already mentioned, can hardly be considered unreasonable, was the taking of certain oaths, including the oath of abjuration. In the year 1833 Mr. Francis Goldsmid, who had been previously admitted a fellow of the society, applied to the benchers of Lincoln's Inn to be called to the bar, and to be permitted to omit the final words from the oath of abjuration. There was some discussion, at a full meeting of the benchers, during which Lord Campbell, who was then Mr. Campbell, K.C., M.P., says that he pointed out the hardship to be imposed upon the young gentleman, who had been allowed to keep his terms and whose prospects in life would thus be suddenly blasted; to which Mr. Clarke, K.C., leader of the Midland Circuit, and at that time master of the library, replied: "Hardship! no hardship at all! Let him become a Christian, and be d——d to him!" but this reply was not taken as a serious argument, for it was unanimously resolved that the application should be granted, and Mr. Goldsmid was called to the bar and afterwards became a Q.C. and a bencher of his Inn².

The precedent was followed by the other Inns, and so a disability, which had long been supposed to exist, was removed without the necessity of the intervention of Parliament. As this is an instance of the way in which almost all the disabilities of this kind could have been, and in many cases were, removed, it may be of interest to append the relevant entries in the records of Lincoln's Inn:—

¹ See the *King v. the Benchers of Lincoln's Inn* (1825), 4 B & C., 855; *Neate v. Durwan* (1874), L. R., 18 Eq. 127; and *Manisty v. Kenealy* (1876), 24 W. R., 918 for the legal position and argument of the Inns of Court.

² *Lives of the Chancellors*, vol. V, p. 544 (note).

“1827. Dec. 27. Francis Henry Goldsmid (19) 1 s.
Isaac Lyon G., of Dulwich Hill Ho., Surrey Esq.”¹

“Special Council held on Jan. 25, 1833.

Twenty Benchers present.

Upon the application of Francis Henry Goldsmid, gentleman, a Fellow of this Society, relative to his call to the Bar, It is ordered that the question whether a person of the Jewish persuasion is eligible to be called to the Bar, be adjourned to Wednesday next.”

“Special Council held on January 30, 1833.

Nineteen Benchers present.

Upon the motion of the Rt. Hon. Thomas Erskine, Mr. Francis Henry Goldsmid was unanimously called to the Bar.”

It remains but to add that the benchers on this occasion merely followed the praiseworthy example which had been set by the leaders of the lower branch of the profession nearly sixty years before. And here again it will be well to set out extracts from the records. In the draft minutes of the Society of Gentlemen Practisers for June 25, 1770, appear the following notes², written apparently by a member of the committee:—

“No Jew to be bail for any person but a Jew.

Abraham Abrahams }
Jacobs } Fore Street in the Artillery Ground,
admitted as attorneys.”

In another document, also to be found in the printed edition of the records, the exact steps by which the admission was effected, are given. It reads as follows:—

“Oath by Jewish Solicitor.

Joseph Abrahams, son of Abraham Abrahams of Mitre Court, Leadenhall Street, was on the 29th Decr., 1763,

¹ *Admission Register*, no. 19, fo. 65; *Records of Lincoln's Inn*, vol. II, p. 127.

² *Black Books of Lincoln's Inn*, Book XXII, pp. 233, 234; *Records of Lincoln's Inn*, Black books, vol. IV, p. 185.

articled as clerk to George Ellis the younger of Deans Street, ffetter Lane, an attorney of the Court of King's Bench.

Affidt. of due execution of the Articles sworn 25th
Jan. 1764 fyled 18th ffeb. 1764.

On ye 18 July 1769 the said Joseph Abrahams was assigned over by Articles by the said George Ellis to Robt. Gill of Angel Court, Throgmorton Street, Attorney in the Common Pleas.

23rd Jan. 1770 the said Joseph Abrahams was admitted as an Attorney of the King's Bench by Mr. Justice Yates.

13th ffebry 1770 was admitted a Sollr. in Chancery. The Deputy Clerk of ye petty Bagg informed me Abrahams was sworn on the Bible.

10th Geo. 1st. cap. 4. Subjects professing ye Jewish Religion presenting themselves to take ye Oath of Abjuration (the words *Upon the true faith of a Christian* to be omitted) and deemed a sufft. taking of the abjuration Oath¹."

The profession of a tutor or schoolmaster was also closed to the Jew in the same way as that of the law, for the statutes already enumerated ordaining the taking of obnoxious oaths embraced the followers of the teaching profession as well as the practisers of medicine and law. The disability thus imposed was, however, practically obviated in the way already described after the reign of George II by the passage of the annual indemnity Acts. Yet from this particular profession the Jew was excluded by other statutory provisions. The Act of Uniformity provided that "all masters and other heads, fellows, chaplains and tutors of or in any college, hall, house of learning or hospital, and every public professor and reader in either of the universities and in every college elsewhere . . . and every schoolmaster keeping any public or private school and every person instructing or teaching any

¹ *Records of the Society of Gentlemen Practisers*, pp. 120, 121, 288.

youth in any house or private family as a tutor or schoolmaster," shall *before* admission subscribe a declaration of which an important clause was "that I will conform to the liturgy of the Church of England, as it is now by law established," upon pain of deprivation. It is plain that this penalty was scarcely applicable to a tutor or schoolmaster in a private family, and accordingly the following section provided that such persons should obtain a license from the Bishop of the Diocese, and that if any person should instruct or teach any youth as a tutor or schoolmaster before obtaining such license and subscribing the declaration he should suffer three months' imprisonment without bail or mainprize¹.

These provisions were not very rigorously enforced, at least as regards teaching in private houses, but were quite sufficient to exclude all persons not members of the Church of England from taking any part in the instruction of youth in the public schools of the country, nor can it be doubted that such was the intention of the legislature throughout the eighteenth century, for the Act of 1769, expressly passed for the relief of Protestant dissenting schoolmasters, in terms provides that nothing therein shall extend "to the enabling of any person dissenting from the Church of England to obtain or hold the mastership of any college or school of royal foundation or of any other endowed college or school for the education of youth, unless the same shall have been founded since the first year of the reign of their late Majesties King William and Queen Mary, for the immediate use and benefit of Protestant Dissenters²." The Roman Catholic Relief Act of 1791, which enabled Roman Catholics to be tutors or schoolmasters, has a similar proviso "that no person professing the Roman Catholic religion shall obtain or hold the mastership of any college or school of royal foundation or of any other endowed college or school for

¹ 13 & 14 Car. II, cap. 4, secs. 8-11, superseding the provisions of 23 Eliz., cap. 1, secs. 6, 7 and 1 Jac. I, cap. 4, sec. 9.

² 19 Geo. III, cap. 44.

the education of youth or shall keep a school in either of the Universities of Oxford and Cambridge¹."

No relief from this disability was ever expressly granted to the Jews, but in 1846 the Religious Disabilities Act (9 & 10 Vict. c. 59, s. 1), which, as has been already mentioned, placed the Jews as regards education on the same footing as Protestant Dissenters and thereby legalized their communal schools and any endowments attached to them, absolutely repealed the disability so far as it related to teaching in a private house or family, and a quarter of a century later the Universities Tests Act of 1871 (34 & 35 Vict. c. 26, s. 8) abolished it so far as it related to teaching in colleges or public schools.

The Universities themselves were for a long time impossible of access to the Jews, who were nevertheless in regard to the Universities in no better or worse position than all others who dissented from the Church of England. Acts of Parliament had been passed at various times (1 Eliz., c. 1, 7 Jac. I, c. 6, 1 Guil. & Mar., c. 8, 1 Geo. I, st. 2, c. 13) requiring oaths, some of which at least would have been obnoxious to Jews, to be taken by persons admitted to degrees or offices in the Universities. But by means of the annual indemnity Acts, any difficulty thus created might have been surmounted in the same way as entrance to the liberal professions had been gained by the Dissenters. The Universities and their colleges, although not originally ecclesiastical foundations², had always kept up a close

¹ 31 Geo. III, cap. 32, sec. 14. The Act further provided that no schoolmaster professing the Roman Catholic religion should receive into his school for education the child of any Protestant father. The rights given to Roman Catholic schoolmasters were thus, though given twenty-two years later, much more limited than those conferred on Protestant Nonconformists. The reason for this was the popular distrust of Roman Catholicism which insisted upon a declaration of the illegality of any endowment of a school or college for the instruction of persons professing that religion; see sec. 17 of the Act—a disability which was only removed by the Roman Catholic Charities Act of 1832 (2 & 3 Will. IV, cap. 115).

² The Universities are civil corporations and their colleges eleemosynary corporations (see Stephen's *Blackstone*, vol. III, p. 3).

connexion with the Established Church, and, so far from smoothing the way for sectarians to take degrees, actually insisted on all their members taking religious tests in addition to the statutory oaths, including in most cases subscription to the Thirty-nine Articles of the Church of England. These tests had to be taken at Oxford before matriculation or admission to membership, but at Cambridge might be deferred until candidature for a degree. In 1850 Royal Commissions were appointed to investigate and report on the constitution of the Universities of Oxford and Cambridge, and legislation was initiated in consequence of their reports. The University of Oxford was first dealt with. The Oxford University Reform Act, 1854 (17 & 18 Vict., c. 81, secs. 43, 44) provided "that it shall not be necessary for any person, upon matriculating in the University of Oxford, to make or subscribe any declaration or to take any oath, any law or statute notwithstanding," and further that no such subscription or oath should be necessary upon taking the degree of Bachelor in Arts, Law, Medicine, or Music, but a proviso was added that such degree should not constitute any qualification for holding any office which had theretofore been held by members of the United Church of England and Ireland, unless the oaths and declarations required by law had been taken and made. The opening to Dissenters of the lower degrees only was intended to prevent them taking any share in the government of the University, and the object of the proviso was to continue the monopoly of educational appointments belonging to members of the Established Church. Two years later the Cambridge University Reform Act, 1856, carried the cause of religious liberty, so far as the younger University was concerned, one step further, by enacting that no oath, declaration, or subscription should thenceforth be required to be taken by any person either (1) upon obtaining any exhibition, scholarship, or other college emolument available for the assistance of an undergraduate student in his academical education, or (2) upon matricu-

lating or taking any degree in Arts, Law, Medicine, or Music, provided, however, that such degree should not, until the holder subscribed a declaration stating that he is bona fide a member of the Church of England, entitle him to become a member of the Senate or qualify him to hold any office either in the University or elsewhere which had theretofore always been held by a member of the Established Church, and for which such degree was a qualification¹. Not unnaturally, after the passage of these Acts of Parliament the University of Cambridge was more frequented by Jews and other Dissenters than the sister University; for at Cambridge all scholarships and the higher degrees (except in the faculty of theology) were thrown open to all persons irrespective of religion, but the right to hold a fellowship or take any part in the government of the Universities was still strictly confined to members of the Established Church.

The position was not satisfactory, and a wider toleration was demanded. Bills to effect this end were regularly brought forward in Parliament, and at length in 1870 the government of the day took up the question, and a Universities Tests Bill was piloted through the House of Commons by Sir John Duke Coleridge, the Solicitor-General. The Lords, however, shelved it by appointing a Select Committee to consider the matter. The Bill was again introduced the following year and passed, but several amendments intended for the protection of the Church of England were inserted by the House of Lords in accordance with the recommendations of their Select Committee. The effect of the Act is that all degrees, together with all rights and privileges annexed to them, and all offices in the Universities of Oxford, Cambridge, and Durham (which was also included in the Act), or any of their colleges, subsisting at the time the Act was passed, were thrown open to all persons irrespective of their religious belief. The only exceptions are degrees in and professorships of

¹ 19 & 20 Vict., cap. 88, secs. 45, 46.

divinity, and such offices as had been previously by some ordinance or statute confined to persons in or about to enter holy orders (thereby saving the clerical fellowships and headships of houses), or confined to members of the Church of England by reason of a degree being a qualification for holding them. Moreover, no member of a university or college can henceforth be compelled to attend the public worship of any church, sect, or denomination to which he does not belong, or any lecture to which he, if of full age or, if he is under age, his parent or guardian shall object on religious grounds. On the other hand, it is expressly stated that the Act shall not interfere with the religious instruction, worship, and discipline previously established, and every college is required to provide sufficient religious instruction for all its undergraduate members belonging to the Established Church, and also to continue in its chapel as theretofore the daily use of the Morning and Evening Prayer according to the Order of the Book of Common Prayer.

The Act does not apply to new foundations¹, refers only to colleges subsisting at the time of its passage, and it is therefore open for the adherents of any legally recognized religion to establish a college or hall in any of the universities, and conduct it on purely sectarian principles. The Jews have never attempted to create such a foundation, but have liberally availed themselves of the right of becoming members of the colleges thrown open to them by the legislation of the second half of last century.

Having now completed a summary survey of the civil disabilities of the Jews and the means by which these have been removed, before passing to the consideration of their political rights, it may be not without interest to those who have followed the story of their admission to the universities to add a short account of the religious position in the lower branches of education. The anomalies and want of system which characterize almost all our English institu-

¹ See Reg. v. Hertford College, Oxford (1878), L.R. 3, Q.B.D. 693.

tions are not absent from those which carry on the education of the country. In dealing with this subject it is not necessary to attempt a scientific classification of English schools, which from a legal point of view may be roughly divided into six classes :

- (1) Private schools.
- (2) Public schools.
- (3) Endowed schools.
- (4) Public elementary schools.
- (5) Public higher grade and technical schools.
- (6) Poor law, reformatory, and industrial schools.

In private schools, which embrace all schools not supported by endowments or money provided from public funds, there is in this country no legal restriction in matters of religion, and the master or owner of such school may at his own pleasure provide or abstain from providing religious instruction, and if he does provide it may insist on all the pupils taking part in it, or make such exceptions as he thinks fit. The instruction may be of any kind the master chooses, subject perhaps to this limitation, that it must be such that it can be brought within the tenets of one or other of the religions which have been admitted to the benefits of the Toleration Acts, and provided also that no attempt is made to make children educated in the Christian religion deny the truth of Christianity, for such an attempt might bring the master within the pains and penalties of the obsolete but still existing Act for the more effectual suppressing of Blasphemy and Profaneness (9 Will. III, c. 35), the history of which was given in the second of these articles. The only remedy of a parent who disapproves of the religious education given at a private school is to withdraw his child and place him at another school.

Public schools in the legal sense include only those which come under the provisions of the Public Schools Act, 1868, and its amending Acts (31 & 32 Vict., c. 118; 32 & 33 Vict., c. 58; 34 & 35 Vict., c. 60; 36 & 37 Vict., c. 41 and c. 62), namely,

Eton, Winchester, Westminster, Charterhouse, Harrow, Rugby, and Shrewsbury. The principal Act empowers the governing bodies of these schools to make, and from time to time to alter and annul, regulations with respect to various matters, amongst which those relating to religion are—
(a) With respect to attendance at Divine service, and, where the school has a chapel of its own, with respect to the chapel services and the appointment of preachers.
(b) With respect to giving facilities for the education of boys whose parents or guardians wish to withdraw them from the religious instruction given in the school. The headmaster is, however, entitled to be consulted on all such regulations, and also to submit to the Governing Body proposals for making new or altering or annulling old regulations. At the present time Harrow is the only one of these schools in which regulations have been made to enable Jewish boys not only to be absent from Divine service in the school chapel, but also to receive instruction in the tenets of their own religion.

It should be added that by the thirteenth section of the Act of Uniformity (14 Car. II, c. 4), which is still unrepealed as to them, the governors and heads of Westminster, Winchester, and Eton are required to conform to the Church of England and subscribe the Thirty-nine Articles.

Endowed schools are now governed by the Endowed Schools Act of 1869 and the amending Acts (32 & 33 Vict., c. 56; 36 & 37 Vict., c. 87; and 37 & 38 Vict., c. 87), and comprise all schools (other than those coming under the Public Schools Act) which are wholly or partly maintained by means of any endowment, including therefore many of the institutions popularly known as public schools. Before 1869 these schools had been divided into two classes, there being no statutory requirement as to exemption from religious education of children in schools which came under the Grammar Schools Act of 1840 (3 & 4 Vict., c. 77), but in the case of other endowed schools it was provided by the Endowed Schools Act, 1860 (23 & 24 Vict., c. 11), that

it should be lawful for the trustees or governors of every endowed school to make, and that they should be bound to make, orders admitting to the benefits of the school the children of parents not in communion with the church, sect, or denomination to which the endowment belonged, unless the will, deed, or other instrument regulating the endowment expressly required all children educated under it to be instructed according to the doctrines or formularies of such church or denomination.

This provision was, however, not considered adequate, and the Endowed Schools Act of 1869 was passed on the recommendation of the commissioners appointed five years previously to consider the question. It applies both to grammar schools and other endowed schools, and as to religious teaching provides that in every scheme which the commissioners—now the Charity Commissioners—shall frame for the regulation of such schools provision shall be made that the parent or guardian of any child attending as a *day scholar* may claim by notice in writing addressed to the principal teacher the exemption of such scholar from attending prayer or religious worship, or from any lesson on a religious subject, and that such scholar shall be exempted accordingly without forfeiting any advantage or emolument to which he would otherwise be entitled, except such as may by the scheme be expressly made dependent on learning such lessons, and further that upon complaint from the parent or guardian that any teacher systematically teaches any religious doctrine to a child after such notice has been sent, the governing body shall inquire into the complaint, and if judged well founded shall take proper measures for its remedy.

This refers to day scholars only, but with regard to boarding schools it is enacted that every scheme shall provide that the parent or guardian of any scholar about to attend such school, who otherwise could only be admitted as a boarder, desires his exemption from attending prayer or religious worship or any lesson on a religious subject,

but the persons in charge of the boarding houses of the school are not willing to allow such exemption, then it shall be the duty of the governing body of the school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar.

Moreover, the religious opinions of any person or his attendance or non-attendance at any particular form of religious worship shall not in any way affect his qualification for being one of the governing body of such endowment. But schools which are maintained out of the endowment of any cathedral or collegiate church, or the scholars of which are required by the express terms of the instrument of foundation to be instructed according to the doctrines or formularies of any particular church, sect, or denomination, are excepted from these provisions as to religious instruction¹ or worship, other than those for the exemption of day scholars when it has been duly claimed. It is to be observed that these conscience clauses do not enable parents to claim exemption for their children from attendance upon a Saturday, or any other day to be set apart for religious observance by the tenets of their creed, nor to insist upon their admission as boarders, though they can demand that provision should be made for them to attend an endowed school, which has theretofore been confined to boarders, as day scholars, and in fact at several schools, such as Clifton, Cheltenham, and the Perse Grammar School, boarding houses for the exclusive use of Jewish boys have actually been established².

In the case of public elementary schools it was necessary to make more stringent provisions upon this subject, because the Education Act of 1870 made attendance at these schools compulsory for all children whose education was not otherwise provided for by their parents. It was therefore enacted that no child should be compelled to

¹ 32 & 33 Vict., cap. 56, sec. 19, and see also 36 & 37 Vict., cap. 87, sec. 7.

² See *In re the Endowed Schools Act, 1869, in re Christ's Hospital* (1890), L.R. 15, A.C. 172, esp. pp. 181-3.

attend or abstain from attending any Sunday school or place of religious worship, and that any parent may withdraw his child from any religious observance kept or religious instruction given in the school, and also from attendance at the school upon any day exclusively set apart for religious observance by the religious body to which he belongs. In order to make the right of withdrawal from religious instruction effective it was further provided that such instruction should only be given at the beginning or the end of the school hours at times to be inserted in a time-table, which must be approved by the Board of Education¹, which last provision is sufficient to prevent the sacrifice of secular to religious education by devoting too large a proportion of the school hours to the latter.

These provisions apply to all public elementary schools, and in the case of those provided by a local authority it is further

¹ 33 & 34 Vict., cap. 75, sec. 7, the words of which are : “(1) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which the parent belongs.

“(2) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end, or at the beginning and the end of such meeting, and shall be inserted in a Time-table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every school-room; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school. (See also sec. 74 (2).)

“(3) The school shall be open at all times to the inspection of any of Her Majesty’s Inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book.”

Provision for the examination of children in religious subjects is made in sec. 76, which, however, is applicable only to non-provided schools.

enacted by section 14 of the Act of 1870, commonly known as the Cowper-Temple clause, that "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school." This section is not in practice any valid protection for Jewish children, because the Board of Education has held that under it, although the catechism of any particular Christian sect may not be taught, yet the Lord's Prayer and the Apostles' Creed (being common to all Christian sects) may be subjects of instruction, and that portions of the Bible, including of course the New Testament, may be read, and such explanations given as are conformable to the principles of the Christian religion. On the other hand, under the conscience and time-table clause already referred to this religious instruction can only be given at the beginning or end of the school hours, and Jewish parents have an absolute right to withdraw their children while the lessons in religion are being taught. As in most schools separate instruction in secular subjects is given to children withdrawn from the religious teaching or observances, if Jews desire that their children attending such schools shall receive instruction in their own religion, it is necessary for them to supply it at their own expense, and in hours not included in the regular school time. This is done in many of the London public elementary schools by the Jewish Religious Education Board, and there are similar Jewish bodies performing the same duty in Manchester and other towns where there is a large Jewish population.

In non-provided or voluntary schools the religious instruction shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers¹. In order that the provisions of the trust deed may be effectually executed, it is enacted that, though the managers of such schools are bound to carry out the directions of the local education authority as to secular education, yet those

¹ Education Act, 1902 (2 Edw. VII, cap. 42), sec. 7 (6).

directions shall not be such as to interfere with reasonable facilities for religious instruction during school hours. And further, the managers are given the power of dismissing a teacher without the consent of the local education authority on grounds connected with the giving of religious instruction in the school¹. There are several such Jewish schools to be found in London and the larger provincial centres, and it should be remembered that to these schools also the conscience and time-table clauses are strictly applicable.

Public higher and technical schools are schools either provided by or receiving pecuniary assistance from local authorities under various recent Acts of Parliament, which provide a higher education than that given in the public elementary schools. Section 4 of the Education Act, 1902, enacts with regard to the religious instruction to be given at these schools as follows: “(1) A council shall not require that any particular form of religious instruction or worship, or any religious catechism or formulary which is distinctive of any particular denomination, shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall on the ground of religious belief be excluded from or placed in an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: provided that in the exercise of this power no unfair preference shall be shown to any religious denomination.

“(2). (a) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain

¹ Education Act, 1902, sec. 7 (1) (a) and (c).

from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

“(b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.”

The law as to poor-law schools has little interest for the Jews, who rightly pride themselves on saving their poorer brethren from resorting to the workhouse; so that there are probably no Jewish children in any workhouse schools; should, however, any Jewish children be dependent on the union, the guardians would probably avail themselves of the provisions of the Poor Law (Certified Schools) Act, 1862, enabling them to send a poor child to any school certified as fit for the purpose, but by the Act no child may be sent to any school which is conducted on the principles of a religious denomination to which he does not belong, and the Poor Law (now the Local Government) Board, if of opinion that any person is aggrieved by any child being so sent or kept at any school, may order its immediate removal¹.

Reformatory schools are established for the better training of youthful offenders, i.e. of persons under the age of sixteen years convicted of an offence punishable with penal servitude or imprisonment. Such persons may by the court or justices be committed to a certified reformatory school, but in choosing the school regard must be had to their religious persuasion, which should be ascertained and specified by the committing authority in the order of committal. Moreover, they are to be allowed to receive visits from a minister of their religious persuasion at certain fixed hours of the day for the purpose of receiving religious assistance and instruction in the principles of their religion. There is also a further provision entitling the parent, guardian, or nearest adult relative to procure the removal

¹ 25 & 26 Vict., cap. 43.

of a youthful offender from one reformatory school to another conducted in accordance with his religious persuasion, by applying to the court or magistrates by whom the sentence was pronounced, provided that the application is made before the offender has been in the school thirty days, and that the managers of the school named by the applicant are willing to receive the offender¹. The Secretary of State has also power to remove an offender from one reformatory school to another, or discharge him altogether.

Industrial schools differ from reformatory schools in that they are established not for the punishment and reform of offenders, but for the protection of children whom the benefits of the ordinary system of education fail to reach. To these schools magistrates are empowered to commit children for a variety of reasons enumerated in the Industrial Schools Act, the provisions of which in relation to the choice of a school conducted in accordance with the parents' religious persuasion, the visiting of the child by a minister of its own denomination, and the right of the parent or nearest adult relative to procure the removal of the child to another school conducted in accordance with the child's religious belief, are precisely the same as those already set out in the case of reformatory schools². It has been found necessary to establish a Jewish Industrial School at Hayes in Middlesex.

H. S. Q. HENRIQUES.

¹ Reformatory Schools Act, 1866 (29 & 30 Vict., cap. 117, secs. 14, 16).

² See The Industrial Schools Act, 1866 (29 & 30 Vict., cap. 118, secs. 18, 25, and 20). (See Model rules, Dumsday and Mothersole, p. 715.)

THE ITINERARY OF BENJAMIN OF TUDELA (*continued*).

HEBREW TEXT.

נשמט בכ"י [ומשם ד' ימים עד דבראתן¹ ויש בה כמו אלפי'
פב יהודים ויושבת על הר (sic) גוזן²] | ומשם שבעה ימים למדינת אספקאן³
 היא העיר הגדול' ועיר המלוכה⁴ והיא מהלך י"ב מיל⁵ ושם כמו ט"ו
 אלף מישראל. ושם שר שלום הרב שהוא ממונה מיד ראש הגולה
 על כל הרבנים אשר במלכות פרס⁶. ומשם ד' ימים לשיראז'⁷ היא
 פרס המדינה ובה כמו עשרת אלפים יהודים⁸. ומשם שבע' ימים
 לגזנה⁹ העיר הגדולה שעל¹⁰ נהר גוזן ובה כמו פ' אלף¹¹ מישראל.
 ואותה¹² העיר ארץ סחורה ובאים¹³ אליה בסחורה בכל¹⁴ לשונות הגוים
 והיא ארץ רחבת ידים: ומשם חמשה ימים לסמרכות¹⁵ (sic) היא
 העיר בקצה ארץ פרס¹⁶. ובה כמו חמשים אלף מישראל. ור' עובדיה
 הנשיא ממונה עליהם¹⁷ וביניהם חכמים ועשירים גדולים: ומשם ד'
 ימים לטובות¹⁸ היא המדינה שימצא שם¹⁹ המור ביערים שלה. ומשם |
 כ"ח²⁰ יום להרי ניסבור²¹ אשר על נהר גוזן. ויש מהם אנשים בארץ **פג**
 פרס מישר'²² ואומרי' כי יש בהרי²³ ניסבור ארבעה שבטים מישראל

¹ R Neub. דברותאן; A דברותאן; E דברוניאח. — ² A על נהר. — ³ R אספֿרֿין; A אסבהאן; E אצבהן; BM spells the name correctly אספהאן on p. 88 (A p. פח). — ⁴ R מלוכה; A — ⁵ R מילין; A continues אלף. — ⁶ R omits from שר ושם שר; A כל הכרכים. — ⁷ R G לְשִׁירָאֵן; Neub. לשריאז. — ⁸ R מישראל. — ⁹ R שמונת אלפים A. — ¹⁰ R על שש; A על. — ¹¹ R לגזנה; A לגינה; E and Edd. לגינה. — ¹² E ובאותה. — ¹³ A באיסת. — ¹⁴ R A מכל. — ¹⁵ BM has the correct name לסמרכות on foot of p. 765, vol. xvii (A p. עה); R לְסַמְרִכְנָת; E לסמרכאנו; A לסמרכות and omits. — ¹⁶ R בקצה גבול פרס; A בקצה המלכות. — ¹⁷ R omits from ור'. — ¹⁸ R לְחֻצְבָּת. — ¹⁹ A שנמצא. — ²⁰ A מהלך שמונה ועשרים. — ²¹ A נסבון; Ed. C. here ניסבון, but presently נסבור; E נסבון; A כי יש שם בהרי. — ²² A נסבור. — ²³ R בערי.

שבט דן ושבט זבולון ושבט אשר ושבט נפתלי הגלות הראשון¹ שהגלה
שלמנאסר² מלך אשור כמו שכתו³ וינחם בחלח ובחבור והרי גוון והרי
מדי: ומהלך ארצם עשרים יום ויש להם⁴ מדינו⁵ וכרכים גדולים⁶ בהרים
מצד אחד מקיף אותם נהר גוון⁶ ואין עליהם עול גוים כי אם נשיא אחד
יש להם⁷ ושמו ר' יוסף אמרכלא⁸ הלוי. וביניהם תלמידי חכמים וזורעי'
וקוצרי' והולכים למלחמה עד ארץ כוש⁹ דרך המדברות ויש להם ברית
עם כפר אל תורך והם¹⁰ עובדי הרוח וחונים במדברות ואינם¹¹ אוכלים
לחם ולא שותין יין כי אם בשר כמו שהוא חי בלא בשול¹². והם בלא¹³ |
פך אפים ובמקום האף יש להם שני נקבים¹⁴ קטנים שיוצא מהן הרוח.
ואוכלים כל בהמות טמאות וטהורות¹⁵ והם אוהבים לישראל עד מאד¹⁶:
והיום ט"ו שנה באו אל מדינת פרס¹⁷ בחיל גדול ולקחו את מדינת ראי¹⁸
והכו אותה לפי חרב ולקחו את כל שללה והלכו להם דרך המדבר ומהיום
כמה שנים¹⁹ לא נראה כדבר הזה²⁰ בכל מלכות פרס. ושמע מלך פרס
וחרה²¹ אפו עליהם ואמ' לא בימי ולא בימי²² אבותי לא יצא עלי חיל מן
המדבר הזה²³. ועתה אלך ואכרית²⁴ את שמם מן הארץ והעבירו קול
בכל מלכותו. וקבץ את כל חייליו²⁶ ובקש תייר אחד להראותו הדרך
דרך²⁷ חנותם. ואמ' לו אותו האיש אני אראם לך²⁸ כי אני מהם. ונדר
לו המלך להעשירו אם יעשה זה הדבר²⁹. ואמ' לו כמה אנו צריכים
פה הוצאה דרך המדבר אמ' לו³⁰ | קחו לחם ויין³¹ עד ט"ו ימי³² כי לא

¹ שבטי דן וזבולון ואשר is fallen out; E reads הגולה הראשונה A. — ² R E שלמנאסר, like elsewhere. — ³ 2 Kings xviii. 11, וינחם בחלח, וינחלי ויגלם בחלח (בהלח) E; otherwise correct; R has ויגלם שג', ויגלם. — ⁴ R שם. — ⁵ A omits. — ⁶ R omits גוון. — ⁷ R A omit יש; A עליהם. — ⁸ R אַרְמֶלְכָּה; A = text; E המרקלי. — ⁹ A למלחמה (illegible?) and יש להם R omits. — ¹⁰ R omits כוש (Ed. C. and E). — ¹¹ A reads שהם עוסק אל תורך. — ¹² R בשול בלי בשול. — ¹³ A בלי; E and Ed. C. בעלי. — ¹⁴ R נחירים; A נחיריים. — ¹⁵ A טהורות וטמאות. — ¹⁶ R והם אוהבי ישראל. — ¹⁷ R ארץ פרס; E והיום שמונה עשרה (ט"ו Edd.; חמשה עשרה E) שנה כשבאו לארץ פרס: A reads ונשבע. — ¹⁸ R המלך חרה; A ונשבע. — ¹⁹ A כמה ימים. — ²⁰ R ההוא. — ²¹ R ואכרית. — ²² A omits from בימי to בימי. — ²³ R לא נמצא כהיל גדול. — ²⁴ R ואכרית. — ²⁵ R A להראותו. — ²⁶ R וקבץ כל חיילותיו; A בארצו ויקבץ את כל חייליו. — ²⁷ R את. — ²⁸ R ונמצא לשם איש אחד ואמר למלך אני אראה לך מקומם. — ²⁹ A. — ³⁰ R אמר לו המלך. — ³¹ A continues ואם יעשה הדבר הזה; R (Neub.) omits דרך המדבר אמר להם. — ³² R A ומים. — ³³ A לחמשה עשר יום.

המצאו שם שום מחיה¹ בדרך עד אשר תגיעו אל ארצם וכן עשו.
והלכו במדבר ט"ו ימים ולא מצאו כלום ולא נשאר להם מן המחיה²
אלא דבר מועט עד אשר התחילו למות³ האדם והבהמה ברעב ובצמא⁴.
וקרא⁵ המלך לתייר ואמ' לו⁶ איה דבריק שהבטחתנו למצא את אויבינו.
וען ויאמר⁷ תעיתי בדרך. ויחר אפו עליו⁸. ויצו להחיו את ראשו.
וצוה המלך בכל מחנהו⁹ כל אדם שיש לו שום מחיה ממנה¹⁰ יחלוק
עם חבירו. ואכלו כל מה שהיה להם עד הבהמות. והלכו¹¹ עדיין י"ג
ימים אחרים עד שהגיע¹² אל הרי ניסבור¹³ שיהודים יושבים שם והם
באו שם ביום שבת¹⁴ וחנו בגנות ובפרדסי' ועל מעיינות המים אשר מצד
לנהר גזון. והיו הימים¹⁵ ימי הפירות ואכלו והשחיתו. ואין אדם יוצא
אליהם אבל היו רואים על ההרים מדינות ומגדלים הרבה וצוה¹⁶ המלך
לשני אנשים מעבדיו¹⁷ ללכת | לשאול מן האומה היושבת¹⁸ בהרים ולעבור **פ**
שם¹⁹ על כל פנים בספינות או לשוט על פני המים. והם פשפשו ומצאו²⁰
גשר גדול ועליו שלשה²¹ מגדלים. ופתח הגשר²² סגור. ולפני הגשר
מאותו הצד עיר גדולה וצעקו לפני הגשר עד שבא להם אדם אחד ושאל
להם מה תרצו או מי²³ אתם ולא הבינו אותו עד שבא התורגמן²⁴ שהיה
יודע לשונם. ושאל להם ואמרו עבדי מלך פרס אנחנו ובאנו לשאול
מי אתם ולמי²⁵ אתם עובדים. אמרו²⁶ להם אנחנו יהודים אין עלינו²⁷
מלך ולא שר מן הגוים אלא שר יהודי אחד. ושאלו אותו²⁸ על דבר
הכופרים²⁹ שהם בני גזן מן כפר אל תרך³⁰. והוא אמ' להם כי בני
בריתנו הם³¹ וכל המבקש רעתם מבקש רעתנו. הלכו³² לדרכ' והגידו

ולא² A —. עד ארצם and שם omits R; דבר מחיה¹ R —. נשאר בידם מחיה³ R inserts —. מן. — A instead of the last two words
אשר עמם⁴ R omits. — ויאמר לו⁶ A; ויקרא⁵ A; וישאל⁵ R —. אשר עמם
לו⁷ A inserts —. ויצו... לאמר⁹ R omits; A —. (להחיו). — A omits;
ואכלו מה שבידם וגם הבהמות והלכו במדבר¹¹ A —. יחלוק continuing
ניסבור¹³ Edd.; ניסבור¹³ R; and omits שבאו¹⁴ A; שהגיעו
והימים ימי פרות ויאכלו וישחיתו¹⁵ R; והימים¹⁵ A —. שבת¹⁴ A omits —.
מה אומה יושבת¹⁸ A —. R omits. — ויצו להם מה היא האומה היושבת¹⁶ R omits
ושם מצאו לשם²⁰ A —. אליהם¹⁹ A —. לשאול להם מה היא האומה היושבת¹⁶ R omits
E —. והם פשפשו A E omit —. A omits²¹ —. A omits²² —. E
למי²⁵ A; או למי²⁵ R —. אותו²⁴ A omits; התורגמן²⁴ E —. למי²³ A —.
להם²⁸ A reads —. יהודים אנחנו אין עלינו לא²⁷ A —. אמ'²⁶ R —. או
הכופרים²⁹ R (Neub. and Gr.); הכופרים²⁹ A —. אחר יהודי. ושאלו אותם
בני גזן מן³¹ A; אל and גזן³¹ Neub. omits; הרך³¹ for תורך³¹ Gr. = text, except
שהם³² omitting, כופר אל הורך —. והם אמרו להם כי הם בעלי בריתנו³¹ A —.
והלכו³² R.

למלך פרס ופחד פחד גדול מהם. ויום אחד¹ שלחו אליו לערוך מלחמה
פז עמו² והוא השיב להם אני³ לא באתי להלחם בכם כי אם בכפר | אל
 תרך אויבי⁴. ואם אתם נלחמים עמי אני אקח נקמתי מכם להרוג⁵ את
 כל היהודים אשר בכל מלכותי כי אני יודע שאתם⁶ חזקים ממני במקום
 הזה⁷ וכל חיילי רעבים וצמאים יצאו מן המדבר הגדול הזה. אבל⁸ עשו
 עמי חסד שלא להלחם בי והניחו אותי עם כפר אל תרך⁹ אויבי. ותמכרו
 לי הוצאה¹⁰ מה שאני צריך לי ולחיילי¹¹. והיהודים לקחו עצה ביניהם
 להתרצות לפני המלך¹² בשביל היהודים אשר במלכותו¹³ בגלות. ונכנס
 בארצם הוא וכל חילו¹⁴ וישב שם ט"ו יום: וכברו אותו כבוד גדול ושלחו
 כתב לכפר אל תורך¹⁵ בעלי בריתם והודיעו להם הדבר. ועמדו¹⁶ כולם
 על מעברות ההרים בחיל כבוד כל החונים במדבר ההוא וכשיצא מלך
 פרס להלחם עמהם ערכו עמו¹⁷ מלחמה בדרך ונצחו¹⁸ אנשי כפר אל
 תורך¹⁹ והרגו בחיל פרס חללים רבים וינס מלך פרס במתי מעט אל
פח ארצו: ופרש אחד מעבדי מלך פרס²⁰ רמה את | יהודי אחד
 משם²¹ ושמו ר' משה והוציאו²². וכשהיה בארץ פרס כבש אותו הפרש
 לעבד²³. ויום אחד מימים באו דורכי הקשת²⁴ לשחק לפני המלך ולא
 נמצא בכולם רובה קשת כמו ר' משה זה ושאל אותו²⁵ המלך על ידי
 תורגמן²⁶ יודע לשונו והגיד לו כל אשר עשה לו הפרש²⁷. מיד עשה אותו
 המלך בן חורין והלביש אותו בגדי משי²⁸ ונתן לו מתנות. ואמ' לו אם
 תרצה לחזור לדתינו²⁹ אעשה אותך עשיר וממונה על ביתי והוא ענה לו
 אדוני³⁰ לא אוכל לעשות הדבר הזה אז לקחו המלך וישימהו בבית הרב

ישובו שני האנשים האלה ויגידו למלך פרס ויפחד מלך פרס פחד, רעתנו A, After¹
 A. — להם אני A omits³. — עמו (אליו E) מלחמה A². — גדול ויום שני
 ואם A reads; שאהרוג R⁵. — כי (כי אם E) בכופר אל תורך אויבי באתי להלחם.
 כי חילתי R⁷. — כי אתם A⁶. — נלחמים אתם בי אני אקח נקמתי ואהרוג
 הזה; likewise E, A omits this passage from הזה to הזה; however, which reads,
 כופר אל תורך A⁹. אבל אתם A⁸. — אויבי בי after from R omits. — see note 30, p. 86, and note 4 above;
 A omits. — שבארצו R¹³. — למלך פרס A¹². — ולחילתי R A¹¹. — מזון.
 והודיעים הדבר הזה והם A¹⁶. — לכופר אל תורך A; לכופר תורך R¹⁵. — חילותיו A¹⁴.
 — מעבדיו A²⁰. — כופר אל תורך A; כופר תורך R¹⁹. — ונסעו A¹⁸. — אתם A¹⁷. — עמדו
 הפרש A omit E A²³. — מאותה הארץ A, משם R adds²². — מהארץ היא A²¹.
 כרבי A²⁵. — לשחק קשת A; הרשה B M; So R²⁴. — לעבד לו E reads.
 A reads; עבדו הפרש R²⁷. — יודע לשונו A omits; על יד התורגמן R²⁶. — משה שאל
 לתורתנו R²⁹. — שש ומשי A²⁸. — והגיד לו את אשר קרהו ואין רמה אותו הפרש ההוא
 לשוב לדתנו ואני אעשה עמך חסד ותהיה עשיר A reads; וענה לו ואמר R³⁰. —
 גדול וממונה על כל ביתי ענה ואמר לו אדוני המלך.

שר שלום של קהל אספהאן¹. ונתן לו הרב בתו לאשה: והוא ר' משה ספר² לי כל אלו הדברים³: ומשם חוזר אדם⁴ לארץ בזוזתאן⁵ אשר על שפת חדקל משם יורד אדם בנהר ונופל⁶ בים הודו אל אי אחד הנקרא קיש⁷ ומהלך האי | ששה ימים ואין זורעין ואין פט קוצרין⁸ ואין להם אלא מעיין אחד ולא יש שם נהר בכל האי⁹. אבל מימי המטר¹⁰ הם שותים והתגרים הבאים מארץ הודו מן האיים חונים¹¹ שם בסחור' ואנשי ארץ שנער ואל ימן¹² וארץ פרס מביאין שם כל בגדי משי וארגמן ופשתים¹³. והכלך וקנבוס מוך¹⁴ וחטים ושעורים ודוחן ושיפון וכל¹⁵ מאכל וכל מיני קטניות¹⁶ ועושין סחורה אלו עם אלו כי אנשי הודו מביאים שם בשמים לרוב מאד ואנשי האי¹⁷ סרסורין ביניהם ומוזה הדבר הם חיים¹⁸. ושם כמו חמש¹⁹ מאות יהודים: ומשם מהלך²⁰ עשרה²¹ ימים בים עד קתיפה²². ושם כמו חמשת אלפים יהודים²³ ושם ימצא הברלח. ובכ"ד²⁴ בניסן ירד שם מטר על פני המים ושם שטין על פני המים מיני שרץ הים²⁵ ומקבלין המטר ונסגרים ונופלים לתוך הקרקע²⁶ ובחצי תשרי באים שם בני²⁷ אדם לקרקע הים בחבלים ומלקטים את השרצים | מקרקע הים²⁸ ומבקעין אותם ומוציאין צ מתוכם אבני הלולו²⁹ והוא למלך הארץ על יד פקיד יהודי³⁰: ומשם מהלך³¹ ו' ימים לקאולם³² היא תחלת³³ מלכות עובדי השמש והם בני כוש והם חווים בכוכבים וכולם שחורים ובעלי אמונה במשא ובמתן

¹ R אספֿהאן (Neub. פספֿהאן) של קהל; A = text, but has קהל מן; R omits from here till חדקל. — ² A ספר; E שפר. — ³ A כוזזתאן. — ⁴ A חוזר. — ⁵ A אח כל הדברים האלה; E אח הדברים האלה. — ⁶ A נקרוקיש Edd. C., F. and Freiburg; A קיש. — ⁷ A ומהלך האי; R reads אלאי הודו הנק' קיש; A continues מהלך. — ⁸ A adds שם, but omits קוצרין. — ⁹ A ואין שם בכל האי נהר; R ואין קוצרין שם בכל האי. — ¹⁰ R ותגרים באים מארץ הודו ומן האיים וחונים. — ¹¹ A כי מימי גשמים. — ¹² R ואל ימן; A omits from שניער, omitting ארץ אל ימן. — ¹³ A ופשתים. — ¹⁴ R omits from מוך; E פרוקאטו קנואס מוך; A reads מוך קנבוס מוך; והכלך. — ¹⁵ A (not E) קטניות. — ¹⁶ A (not E) וכל מיני (A, not E) ושם. — ¹⁷ R ויש שם חיים; A continues והוא חיים. — ¹⁸ A ומוזה הדבר בלנד הוא חיים. — ¹⁹ R (Neub.) omits כמו. — ²⁰ A omits. — ²¹ R יו. — ²² E קטיפה; R קריפה. — ²³ A omits from שטין; R שרצים. — ²⁴ R וזה. — ²⁵ A omits from (הים) והים (i.e. from the sea to the land), and continues (E and Edd. omit השרצים). — ²⁶ A reads ההם השרצים. — ²⁷ A שני בני. — ²⁸ R קרקע הים. — ²⁹ A ומוציאין אותם. — ³⁰ R (Neub.) omits. — ³¹ R omits. — ³² E לקולאם; R לקולאם. — ³³ R (Neub.) omits. — ³⁴ A omits from והוא; R (Neub.) omits.

שלהם¹ וכשיבאו אליהם התגרים מארץ מרחק ונכנסים² בנמל נכנסים אליהם שלשה מסופרי³ המלך וכותבים שמם ומביאים אותם לפניו⁴. והמלך מקבל עליו⁵ ממונם שהניחו⁶ אותו על פני השדה בלא שומר: ושם פקיד אחד יושב בחנות⁷ ובעל האבדה יאמר לו⁸ סימניה ויתנה לו. וכן המנהג הזה⁹ בכל מלכותו¹⁰. ומפסח ועד¹¹ ראש השנה כל ימי הקיץ אין אדם יוצא מביתו מפני החמה לפי שיש בארץ ההיא¹² חום גדול ומשלש שעות מהיום והלאה¹³ מתחבאים¹⁴ כולם בבתיהם עד הערב ויוצאין אחר כן¹⁵. ומדליקין נרות בכל השוקים ובכל¹⁶ החוצות ועושין מלאכת' וסחורתן¹⁷ | בלילה¹⁸ כי לילה ליום ישימו מפני רוב חמימות החמה¹⁹. ושם נמצא הפלפל כי הם נוטעי' האילנות שלו על פני השדה²⁰ וכל בני העיר יודע כל אחד ואחד פרדסו והאילנות הם²¹ קטנים והפלפל הוא לבן כשלג אבל כשהם לוקטין אותו משימין אותו²² בגיגיות ונותנין עליו מים רותחין בשביל שיתחזק ואחר כך מוציאין אותו מן המים ומייבשים אותו לשמש והוא חוזר שחור²³. ושם ימצא²⁴ קנה וזנגביל²⁵ ומיני בשמים הרבה. ואנשי הארץ ההיא²⁶ אינ' קוברים²⁷ מתיהם אלא חונטין אות' במיני בשמים²⁸ ושמן²⁹ אות' בספסלים ומכסין אותן בסדינין. וכל משפחה ומשפחה³⁰ מהן יש להן בתים³¹ שמימין בהן אבותם ומשפחתם וייבש הבשר על העצמות³² והן דומין כבני אדם חיים³³ ומכירין כל אחד ואחד מהן אבותיו ומשפחתו מהיום כמה שנים³⁴. והם עובדים לשמש ויש להן במות גדולות בכל מקום חוץ לעיר כמהלך חצי מיל. ובבקר הם רצים |

¹ A omits. — ² A inserts אליהם; R reads מסופרי; נכנסים בנמל (omitting המלך). — ³ A סופרי. — ⁴ R לפני המלך; לפניו. — ⁵ A על עצמו. — וכל אבדה שימצא אדם בדרכים (אדם בכל מקום) יביא R A insert. — ⁶ R שיניחו. — ⁷ R וכן מנהגו; A הזה. — ⁸ A omits. — ⁹ R omits. — ¹⁰ A מן היום ומעלה. — ¹¹ A אין אדם. — ¹² A omits from. — ¹³ A ער. — ¹⁴ A omits. — ¹⁵ A omits. — ¹⁶ A omits. — ¹⁷ A omits. — ¹⁸ A omits. — ¹⁹ A omits. — ²⁰ A omits. — ²¹ A omits. — ²² A omits. — ²³ A omits. — ²⁴ A omits. — ²⁵ A omits. — ²⁶ A omits. — ²⁷ A omits. — ²⁸ A omits. — ²⁹ A omits. — ³⁰ A omits. — ³¹ A omits. — ³² A omits. — ³³ A omits. — ³⁴ A omits.

לקראת החמה כי יש בכל במה ובמה¹ גלגל החמה² עשוי במיני כשוף. **צב** ובצאת השמש חזרת הגלגל בקולות גדולות. וכל אחד מהם³ מהתתו בידו מקטרים⁴ לשמש אנשים ונשים זה דרכם כסל למו. וביניהם בכל האי⁵ כמה אלף מישראל⁶ בכלל⁷ המדינות. וכל בעלי⁸ הארץ ההוא שחורים והיהודים כמו בן שחורי⁹ והם יהודים טובים¹⁰ בעלי מצות. וביניהם תורת משה וגביאים ודבר מועט מתלמוד והלכה: ומשם כ"ג¹¹ יום דרך ים לאיבריג¹². והם שוכניה עובדי אש¹³ הנקראין דוכבין¹⁴. וביניהם בשלשת אלפים¹⁵ יהודים. ויש להם לרובבין¹⁶ כומרים בכל מקום בבית ע"ז שלהם. ואותן כומרים¹⁷ בשפנים גדולים בכל מיני כשוף אין כמותם בכל הארץ. ולפני הבמה של בית¹⁸ תפילתם עמק גדול ומדליקין כל ימות השנה שם¹⁹ אש גדול וקוראין לה²⁰ אלהותא ומעבירין בה בניהם ובנותיהם וגם²¹ מיתיהם | משליכין בתוך האש: ויש מהן מגדולי הארץ²² שנודרין **צג** עצמן²³ בחייהן לישרף באש: וכשאומ' הנודר²⁴ לבני ביתו ולקרוביו הנה נדרתי²⁵ להשליך עצמי²⁶ באש בחיי עונין²⁷ כולם ואומרי' לו אשריך²⁸. וכשהגיע יום בהלתו (sic) שנדר²⁹ עושים לו משתה גדול ואם הוא עשיר רוכב סוסו³⁰. ואם הוא עני הולך ברגלו על³¹ שפת העמק ומשליך עצמו בתוך האש. וכל בני³² משפחתו מרננים בתופים ובמחולות עד שישרף כולו: ולקץ שלשה ימים יבואו שנים³³ מהכומרים הגדולים³⁴ אל ביתו ואל בניו ואומרי' להן תקנו³⁵ הבית כי היום³⁶ יבוא אליכ' אביכם לצוות אתכם³⁷ מה תעשו והם לוקחים עדים מן העיר. והנה השטן בא

¹ A instead ובמה כמו: — ² A חמה. — ³ R omits from ובצאת and reads only מהם אחר ואחר; A omits. — ⁴ E (only) ומקטרים. — ⁵ A בכל. — ⁶ R כמו מאה יהודים; ק אלף מישראל. — ⁷ R אלה המקומות. — ⁸ A טובים. — ⁹ R omits. — ¹⁰ R omits. — ¹¹ R לאיבריג. — ¹² R לאיבריג. — ¹³ R דוכבין. — ¹⁴ R דוכבין. — ¹⁵ R אלף. — ¹⁶ As in note 14. — ¹⁷ A אין. . . הארץ after בכל מיני כשוף and in continuing puts ואותם הכומרים. — ¹⁸ R omits. — ¹⁹ R שם כל ימות החמה. — ²⁰ A אלהותא. — ²¹ R ויש שם מהם גדולי הארץ; ויש מהם. — ²² R ובנותיהם. — ²³ R להשליכני. — ²⁴ A על עצמי. — ²⁵ R וכשהנודר אומר. — ²⁶ A adds לו. — ²⁷ R and omits till after עני הוא. — ²⁸ A transposes על ורוכב. — ²⁹ R omits. — ³⁰ A ברגלו. — ³¹ R אביכם. — ³² R מהר. — ³³ A תהקנו. — ³⁴ R תהקנו. — ³⁵ A תהקנו. — ³⁶ R תהקנו. — ³⁷ A לנכם.

בדמותו¹ ובאין אשתו ובניו ושואלין אותו² היאך הוא באותו עולם³. והוא אומ' ⁴ באתי עם⁵ חברי ולא קבלוני עד שאשלם חובתי⁶ לבני ביתי ולשכני והוא עושה | צואה ומחלק נכסיו לבניו ומצוה לפרוע בכל⁷ מה שהוא חייב לבני⁸ אדם ולקבל מבני⁹ אדם מה שהם חייבים לו¹⁰. ויכתבו העדים הצואה וילך לדרכו¹¹. ואינן רואין עוד¹² כלום. ועל פי המרמה והמדה¹³ הזאת והכשוף הזה שעושין להן הכומרים בכשופן¹⁴ מתחזקים בטעותם¹⁵ ואומרי' כי אין כמותם בכל הארץ: ומשם לעבר ארץ ציון מהלך מ' יום¹⁶ והיא קצה המזרח. ויש אומרי' כי שם הים נקפא¹⁷ ובאותו ים שולט כוכב כסיל ויוצא¹⁸ שם רוח סערה לפעמים ואין הספן יכול לשלוט¹⁹ על הספינה נשמת בכ"י (מכבוד הרוח עד שמשליך הרוח את הספינה)²⁰ באותו הים הנקפא²¹ ואינה יכולה לזוז ממקומה. ואנשיה יושבים²² עד כלות מחייתם ואחר²³ כך ימותו. וכמה ספינות אובדות על זה²⁴ העניין. אבל בני אדם למדו חכמה להמלט מן המקום הרע **צה** הזה ולוקחים עורות בקר²⁵ עמהם. ואם | יבא אותו הרוח²⁶ ומשליך אותן²⁷ בים הנקפא יקח העור ויכנס בתוכו וסכין²⁸ בידו ותופר את העור²⁹ שלא יכנסו³⁰ בו המים. ומפיל עצמו בתוך הים הנקפא³¹ ורואה אותו הנשר הגדול הנקרא גריפו³² והוא סבור שהוא³³ בהמה³⁴ ומוציאו ליבשה וחונה עמו³⁵ בהר או בעמק³⁶ לאכול אותו וממהר האדם ומכה אותו בסכין והורגו ויוצא מן העור והולך עד שמגיע ליישוב והרבה בני אדם ניצולין בעניין³⁷ זה:

¹ R (N) adds בדמותו ונצלמו. — ² A לו. — ³ A העולם. — ⁴ R adds להם. — ⁵ RA כל. — ⁶ RA adds וחובות. — ⁷ RA כל. — ⁸ A וילכו לדרכם. — ⁹ A omits. — ¹⁰ R אליו. — ¹¹ A מן בני. — ¹² A לכל. — ¹³ A השקר והמרמה. — ¹⁴ RA omit והמדה. — ¹⁵ A omits. — ¹⁶ R and משם לעבר לארץ אל צין מהלך ארבעים יום; A ומשם מהלך מ' יום לעבר צין כי שם רך ים הוא; A כי יש רך אותו ים (ים N) הנקפא. — ¹⁷ R והוא continues. — ¹⁸ A omits. — ¹⁹ A omits. — ²⁰ So in A; dittology in BM. and R. — ²¹ R omits הנקפא; A ים הנקפא. — ²² A ואנשים יושבים שם. — ²³ A אחר כך. — ²⁴ A בזה. — ²⁵ R omits. — ²⁶ A omits. — ²⁷ A omits. — ²⁸ A inserts. — ²⁹ A adds. — ³⁰ R omits. — ³¹ A omits. — ³² R omits. — ³³ R omits. — ³⁴ A omits. — ³⁵ A omits. — ³⁶ A omits. — ³⁷ R omits. — ³⁸ A omits.

TRANSLATION.

p. 82 From thence (Hamadan¹) it takes four days to Dabaristan, which is situated on the river Gozan. [Four] thousand Jews live there². Thence it is seven days to Ispahan the great city and the royal residence. It is twelve miles in circumference, and about 15,000 Israelites reside there³. The Chief Rabbi is Sar Shalom, who has been appointed by the Head of the Captivity to have jurisdiction over all the Rabbis that are in the kingdom of Persia. Four days onward is Shiraz, which is the city of Fars, and 10,000 Jews live there⁴. Thence it is seven days to Ghazna the great city on the river Gozan, where there are about 80,000 Israelites⁵. It is a city of commercial im-

¹ Referring to Benjamin's statement that Mordecai and Esther are buried at Hamadan, an interesting article by Mr. Israel Abrahams upon the subject, with an illustration of the traditional tomb, as well as a picture of ancient Susa, will be found in the *Jewish Chronicle* of March 19, 1897. In the issue of March 4, 1898, Mr. Morris Cohen, of Bagdad, furnished a full copy of the inscriptions in the Mausoleum, but they possess no historical value. The reputed Prayer of Esther seen there by former travellers is no longer extant.

The statement of R. Jehiel Heilprin, in the *Seder Hadoroth*, that Mordecai and Esther are buried at Shomron is devoid of foundation and may have arisen through reading here שמרן for המרן. For full particulars respecting Hamadan and other places in Persia and the adjacent countries the reader should consult Mr. Guy Le Strange's valuable work, just published, *The Lands of the Eastern Caliphate*, Cambridge, 1905. The maps will be found most useful.

² The British Museum version omits this passage. An inspection of the map will show that Tabaristan lies a long distance to the north of the trade route which leads from Hamadan to Ispahan.

³ The great extent of Ispahan is accounted for by the fact that it consisted of two towns; the one called Jay, measured half a league across; the other, Al Yahudiyah, the "Jew Town" two miles to the westward, was double the size of Jay. Mukadassi states that the city had been originally founded by the Jews in the time of Nebuchadnezzar, because its climate resembled that of Jerusalem. Guy Le Strange, p. 203.

⁴ Lord Curzon, in his work on Persia, devotes chap. xix in vol. II to a description of the City of Ispahan, and of his journey there. Chap. xx contains an account of his journey from Ispahan to Shiraz. The distance between the two cities is 81 parasangs, equivalent to 312 miles. It will be seen that here, as well as in the cases of Ghazna, Samarkand, and Tibet, Benjamin altogether under-estimates the true distances.

⁵ Asher, following the printed editions, quotes the Jewish population of this place as 8,000, and assumes, without any justification, that Khiva

portance; people of all countries and tongues come there with their wares. The land is extensive.

Thence it is five days to Samarkand, which is the great city on the confines of Persia. In it live some 50,000 Israelites, and R. Obadiah the prince is appointed over them. Among them are wise and very rich men.

Thence it is four days' journey to Tibet, the country in whose forests musk is found. |

Thence it takes twenty-eight days to the mountains of Nisabur p. 83 by the river Gozan. And there are men of Israel in the land of Persia who say that in the mountains of Nisabur four of the tribes of Israel dwell, namely, the tribe of Dan, the tribe of Zebulun, the tribe of Asher, and the tribe of Naphtali, who were included in the first captivity of Shalmaneser, king of Assyria, as it is written (2 Kings xviii. 11): "And he put them in Halah and in Habor by the river of Gozan and in the cities of the Medes¹."

is here referred to. He also substitutes Oxus for Gozan. In the Middle Ages the Oxus was not known under any other name than that of Gihon (Gen. ii. 13). The name of the city according to our text is Ghaznah, which eight hundred years ago was the capital of Afghanistan. Ibn Batuta says it was ten stages from Kandahar on the way to Herat. Le Strange (p. 348) writes as follows: "Ghaznah became famous in history at the beginning of the eleventh century as the capital of the great Mahmud of Ghazna, who at one time was master both of India on the east and Bagdad on the west." Istakhri says: "No city of this countryside was richer in merchants and merchandise, for it was as the port of India." The river Gozan, on which we are told Ghazna lies, must appear to the reader to be ubiquitous. On p. 51 we find the Habor of Kurdistan is its affluent; on p. 78 and p. 82 it is at Dabaristan; on p. 83, in Khorasan. There is a simple solution of the difficulty. In each of the localities Benjamin was told that the river was called Gozan; for in the Mongolian language "Usun" is the name for water or river. Thus "Kisil-Usun" means "Red River." The addition of a "g" before a "u" or "w" is quite a common feature in language; it occurs, for instance, in the Romance and Keltic languages.

¹ The British Museum text has: "And he put them in Halah and in Habor and the mountains of Gozan and the mountains of the Medes." Having regard to the passages 2 Kings xix. 12 and Isaiah xxxvii. 12, Nöldeke maintains that there was a tract of land watered by the river Gozan, known as Gozanitis, which Scripture refers to. See *J. Q. R.*, vol. I, p. 186.

Nisabur is a city near Meshed, and close to high mountains which are a continuation of the Elburz mountain range.

We draw attention to the cautious manner in which Benjamin speaks here and elsewhere when alluding to the whereabouts of any of the

The extent of their land is twenty days' journey, and they have cities and large villages in the mountains; on the one side, the river Gozan forms the boundary. They are not under the rule of the Gentiles, but they have a prince of their own, whose name is R. Joseph Amarkala the Levite. There are scholars among them. And they sow and reap and go forth to war as far as the land of Cush by way of the desert¹. They are in league with the Kofar-al-Turak, who worship the wind and live in the wilderness, and who do not eat bread, nor drink wine, but live on the raw uncooked meat. | They have no noses, and in lieu thereof they have two small holes, through which they breathe. They eat animals both clean and unclean, and they like the Israelites very much. Fifteen years ago they overran the country of Persia with a large army and took the city of Rai², which they smote with the edge of the sword, took all the spoil thereof, and returned by way of the wilderness. Such an invasion had not been known in the land of Persia for many years. When the king of Persia heard thereof his anger was kindled against them, and he said, "Not in my days nor in the days of my fathers did an army sally forth from this wilderness. Now I will go and cut off their name from the earth." A proclamation was made throughout his Empire, and he assembled all his armies; and he sought for a guide who might show him the way to their encampment. And a certain man said that he would show him the way, as he was one of them. And the king promised that he would enrich him if he did so. And the king asked him as to what provisions they would require for the march through the wilderness. | And he replied, "Take with you bread and wine for fifteen days, for you will find no sustenance by the way, till you have reached their land." And they did so, and marched through the wilderness for fifteen days, but they found nothing at all. And their food began to give out, so that man and beast were dying of hunger and thirst.

ten tribes. The tradition is widespread that independent Jewish tribes were to be found in Khorasan until recent times. Mr. E. N. Adler was told that in an Armenian monastery near Kutais, ancient records are preserved which conclusively prove that the Jews were paramount in certain districts three or four centuries ago; *Jews in many Lands*, p. 178. Cf. *Wo wären die zehn Stämme Israels zu suchen?* Dr. M. Lewin, Frankfort, 1901.

¹ It should be remembered that *Cush* in ancient Jewish literature does not always signify Ethiopia, but also denotes parts of Arabia, especially those nearest to Abyssinia. The name *Cush* is also applied to countries east of the Tigris, see p. 90.

² Rai is the ancient city of Rages, spoken of in the Book of Tobit i. 14. The ruins are in the neighbourhood of Teheran.

Then the king called the guide, and said to him, "Where is your promise to us that you would find our adversaries?" To which the other replied, "I have mistaken the way." And the king was wroth, and commanded that his head should be struck off. And the king further gave orders throughout the camp that every man who had any food should divide it with his neighbour. And they consumed everything they had including their beasts. And after a further thirteen days' march they reached the mountains of Nisabur, where the Jews lived. They came there on the Sabbath, and encamped in the gardens and plantations and by the springs of water which are by the side of the river Gozan. Now it was the time of the ripening of the fruit, and they ate and consumed everything. No man came forth to them, but on the mountains they saw cities and many towers. Then the king commanded two of his servants to go | and inquire of p. 86 the people who lived in the mountains, and to cross the river either in boats or by swimming. They searched and found a large bridge, on which there were three towers, but the gate of the bridge was locked. And on the other side of the bridge was a great city. So they shouted in front of the bridge till a man came forth and asked them what they wanted and who they were. But they did not understand him till an interpreter came who understood their language. And when he asked them, they said, "We are the servants of the king of Persia, and we have come to ask who you are, and whom you serve." To which the others replied: "We are Jews; we have no king and no gentile prince, but a Jewish Prince rules over us." They then questioned him with regard to the infidels, the sons of Ghuz of the Kofar-al-Turak, and he answered: "Truly they are in league with us, and he who seeks to do them harm seeks our harm." Then they went their way, and told the king of Persia, who was much alarmed. And on a certain day the Jews intimated that they would join in combat with him, but he answered: "I am not come to fight you, but the Kofar-al-Turak, my enemy, and if you fight against me I will be avenged on you by killing all the Jews in my Empire; I know that you are stronger than I am in this place, | and my army has come out of this great p. 87 wilderness starving and athirst. Deal kindly with me and do not fight against me, but leave me to engage with the Kofar-al-Turak, my enemy, and sell me also the provisions which I require for myself and my army." The Jews then took counsel together, and resolved to propitiate the king on account of the Jews who were in exile in his Empire. Then the king entered their land with his army, and stayed there fifteen days. And they showed him much honour, and also sent a dispatch to the Kofar-al-Turak their allies, reporting the matter to them. Thereupon the latter occupied the mountain passes in force

with a large army, composed of all those who dwelt in that desert, and when the king of Persia went forth to fight with them, they placed themselves in battle array against him. The Kofar-al-Turak men were victorious and slew many of the Persian army, and the king of Persia fled with only a few followers to his own country¹.

p. 88 Now a horseman, one of the servants of the king of Persia, enticed | a Jew, whose name was R. Moses, to come with him, and when he came to the land of Persia this horseman made the Jew his slave. One day the archers came before the king to give a display of their skill; no one among them could be found to draw the bow like this R. Moses. Then the king inquired of him by means of an interpreter who knew his language, and he related all that the horseman had done to him. Thereupon the king at once granted him his liberty, had him clad in robes of silk, gave him gifts, and said to him, "If thou wilt embrace our religion, I will make thee a rich man and steward of my house," but he answered, "My lord, I cannot do this thing." Then the king took him and placed him in the house of the Chief Rabbi of the Ispahan community, Sar Shalom, who gave him his daughter to wife. This same R. Moses told me all these things.

Thence one returns to the land of Khuzistan which is by the river Tigris, and one goes down the river which falls into the Indian Ocean p. 89 unto an island called Kish². | It is a six days' journey to reach

¹ The incidents here related are fully gone into by Dr. Neubauer in the third of his valuable articles "Where are the ten tribes?" (*J. Q. R.*, vol. I, p. 185). There can be little doubt that the Kofar-al-Turak, a people belonging to the Tartar stock, are identical with the so-called subjects of Prester John, of whom so much was heard in the Middle Ages. They defeated Sinjar in the year 1141; this was, however, more than fifteen years prior to Benjamin's visit. To judge from the passage, p. 86, where the allies of the Jews are described as "infidels, the sons of Ghuz of the Kofar-al-Turak," Benjamin seems to confound the Ghuzes with the Tartar hordes. Now the Ghuzes belonged to the Seldjuk clans who had become Mohammedans more than 100 years before, and, as such, Benjamin would never have styled them infidels. These Ghuzes waged war with Sinjar in 1153, when he was signally defeated, and made a prisoner in 1156. It is to this battle that Benjamin must have made reference, when he writes that it took place fifteen years ago.

See Dr. G. Oppert's "Presbyter Johannes" in *Sage und Geschichte*, 1864.

² It will be noted that Benjamin uses here the terms יורד אדם, הורר אדם, evidently implying that he himself did not go to sea.

In the Middle Ages the island of Kish or Kays was an important station on the trade route from India to Europe. Le Strange writes, p. 257, that in the course of the twelfth century it became the trade centre of the Persian Gulf. A great walled city was built in the island,

the island. The inhabitants neither sow nor reap. They possess only one well, and there is no stream in the whole island, but they drink rain water. The merchants who come from India and the islands encamp there with their wares. Moreover, men from Shinar, Yemen and Persia bring thither all sorts of silk, purple and flax, cotton, hemp, worked wool, wheat, barley, millet, rye, and all sorts of food and lentils of every description, and they trade with one another, whilst the men from India bring great quantities of spices there. The Islanders act as middlemen, and earn their livelihood thereby. There are about 500 Jews there.

Thence it is ten days' journey by sea to Katifa where there are about 5,000 Jews. Here the bdellium is to be found¹. On the twenty-fourth of Nisan rain falls upon the water, upon the surface of which certain small marine animals float which drink in the rain and then shut themselves up, and sink below the surface. And about the middle of Tishri men descend to the bed of the sea by ropes, and collect these shell-fish, | then split them open and extract the pearls. p. 90 This pearl-fishery belongs to the King of the country, but is controlled by a Jewish official.

Thence it is seven days' journey to Khulam which is the beginning of the country of the Sun-worshippers². These are the sons of Cush.

where water-tanks had been constructed, and on the neighbouring sea-banks was the famous sea-fishery. Ships from India and Arabia crowded the port. Kish was afterwards supplanted by Ormuz and Bandar-Abbas; England held possession of the island from 1820 to 1879, and it has recently been officially visited by Lord Curzon. For a description of the island see *The Times*, Jan. 18, 1904.

¹ Katifa lies on the Persian Gulf, on the west coast of Arabia, north of Bahrein. Bochart is of opinion that this part of Arabia is the land of Havilah, where, Gen. ii. 11 and 12 tells us, there is gold, bdellium, and the onyx stone. Jewish authorities are divided in opinion as to whether כרית is a jewel, or the fragrant gum exuded by a species of balsam-tree. Benjamin follows Saadia Gaon, who in his Arabic translation of the Bible renders it חליל, the very word used by our author here for pearls. Masudi is one of the earliest Arabic writers who gives us a description of the pearl-fisheries in the Persian Gulf, and it very much accords with Benjamin's account. See Sprenger's translation of Masudi's *Meadows of Gold*, p. 344. At the present time more than 5,000 boats are engaged in this industry along this coast, and it yields an annual income of £1,000,000. See P. M. Sykes, *Ten Thousand miles in Persia*, 1902.

² Khulam, now called Quilon, was a much frequented seaport in the early middle ages where Chinese shippers met the Arab traders. It afterwards declined in importance, being supplanted by Calicut, Goa, and

They read the stars, and they are all black in colour. They are honest in commerce. When merchants come to them from distant lands and enter the harbour, three of the King's secretaries go down to them and record their names, and then bring them before the King, whereupon the King makes himself responsible even for their property which they leave in the open unprotected. There is an official who sits in his office, and the owner of any lost property has only to describe it to him when he hands it back. This custom prevails in all that country. From Passover to New Year, that is all during the Summer, no man can go out of his house because of the sun, for the heat in that country is intense, and from the third hour of the day onward everybody remains in his house till the evening. Then they emerge and kindle lights in all the market places and all the streets, and then do their work and business at night time. | For they have to turn night into day in consequence of the great heat of the sun. Pepper is found there. They plant the trees thereof in the fields, and each man of the city knows his own plantation. The trees are small, and the pepper is as white as snow. And when they have collected it they place it in saucepans and pour

eventually by Bombay. It was situated at the southern end of the coast of Malabar. Renaudot in a translation of the travels of two Mohammedan traders, who wrote as far back as 851 and 915 respectively, has given us some account of this place; Ibn Batuta as well as Marco Polo gives us interesting details. Ritter, in the fifth volume of his Geography, dilates on the cultivation of the pepper-plant, which is of indigenous growth. In Benjamin's time it was thought that white pepper was a distinct species, but Ritter explains that it was prepared from the black pepper, which, after lying from eight to ten days in running water, would admit of being stripped of its black outer covering. Ritter devotes a chapter to the fire-worship of the Guebers, who as Parsees form an important element at the present day in the population of the Bombay Presidency. Another chapter is devoted to the Jewish settlement to which Benjamin refers. See *Die jüdischen Colonien in Indien*, Dr. Gustav Oppert; also *Semitic Studies* (Berlin, 1897), pp. 396-419.

Under the heading "Cochin," the *Jewish Encyclopedia* gives an account of the White and Black Jews of Malabar. By way of supplementing the Article, it may be well to refer to a MS. No. 4238 of the Merzbacher Library formerly at Munich. It is a document drawn up in reply to eleven questions addressed by Tobias Boas on the 12 Ellul 5527 (= 1767) to R. Jeches Kel Rachbi of Malabar. From this MS. it appears that 10,000 exiled Jews reached Malabar A. C. 68 (i.e. about the time of the destruction of the Second Temple) and settled at Cranganor, Dschalor, Madri and Plota. An extract of this MS. is given in Winter and Wünsche's *Jüdische Literatur*, vol. III, p. 459. Cf. article on the Beni-Israel of India by Samuel b. Samuel, *The Jewish Literary Annual*, 1905.

boiling water over it, so that it may become strong. They then take it out of the water and dry it in the sun, and it then turns black. Cinnamon and ginger and many other kinds of spice are found in this land.

The people of this country do not bury their dead, but embalm them by means of various spices, after which they place them on chairs and cover them with fine linen. And each family has a house where it preserves the embalmed remains of its ancestors and relations. The flesh hardens on the bones, and the embalmed bodies look like living beings, so that every man can recognize his parents, and the members of his family for many years. They worship the sun, and they have high places everywhere outside the city at a distance of about half a mile. And every morning they run forth | to greet the p. 92 sun, for on every high place a solar disc is made of cunning workmanship and as the sun rises, the disc rotates with thundering noise and all both men and women offer incense to the sun with censers in their hands. Such are their superstitious practices. And throughout the island, including all the towns there, live several thousand Israelites. The inhabitants are all black and the Jews also. The latter are good and benevolent. They know the law of Moses and the prophets, and to a small extent the Talmud and Halacha.

Thence it is twenty-three days by sea to Ibrig¹ and the inhabitants are fire-worshippers, and are called Duchbin. Among them are about 3,000 Jews, and these Duchbin have priests in their several temples, who are great wizards in all manner of witchcraft and there are none like them in all the earth. In front of the high place of their temple there is a deep trench, where they keep a great fire alight all the year and they call it Elahutha. And they cause their sons and daughters to pass through the fire and even their dead | they throw p. 93 into it. Some of the greatest men of the country make a vow to die by cremation. In such cases the man communicates his intention to

¹ The British Museum text has Ibrig, and the Casanatense has Ibriag: neither can be identified. The printed editions have אי כנר the islands of Candig, which Asher thinks may be taken to refer to Ceylon, having regard to the name of the Capital, Kandy. It was not the Capital in Benjamin's time. The difficulty still remains that it does not take twenty-three days but barely four days to reach Ceylon from Quilon. Renaudot states that in the tenth century a multitude of Jews resided in the island, and that they took part in the municipal government as well as other sects, as the King granted the utmost religious liberty. See Pinkerton's *Travels*, vol. VII, p. 217. A full description is also given of the ceremonial when any notability proceeds to immolate himself by committing himself to the flames.

the members of his household and his relations, and says:—"I have vowed to throw myself in the fire whilst I am yet alive," then they answer, saying: "Happy art thou." And when the day of the performance of his vow arrives, they prepare for him a grand banquet, and if he is rich he rides on horseback, if poor he goes on foot to the border of the trench and throws himself into the fire. And all the members of his family shout to the accompaniment of timbrels and dancing until the body is entirely consumed. At the end of three days two of their high priests come to his house and to his children and say unto them: "Arrange the house, for this day your father will come to give his last directions as to what ye shall do." And they bring witnesses from the city. Then Satan is made to appear in the likeness of the deceased, and when his wife and children ask him how he fares in the other world he answers: "I went to my companions, but they would not receive me until I had discharged my obligations to the members of my house and to my neighbours." |

P. 94 Then he makes his will and divides his property among his children and gives directions that all his creditors should be paid and that his debts should be collected. Then the witnesses write out the will, and he goes his way and is seen no more. And by means of this trickery and witchcraft which these priests practise, the people are confirmed in their errors and assert that there is none in all the land like their priests.

Thence to cross over to the land of Zin (China) is a voyage of forty days. Zin is in the uttermost East, and some say that there is the Sea of Nikpa, where the star Orion predominates and a stormy wind prevails¹. At times the helmsman cannot govern his ship, as a fierce wind drives it into this Sea of Nikpa, where he cannot move her from her place; and the crew have to remain where they are till their stores

¹ Benjamin's statements as to India and China are of course very vague, but we must remember he was the first European who as much as mentions China. Having regard to the full descriptions of other countries of the old World by Arabic writers of the Middle Ages, and to the fact that the trade route then was principally by sea on the route indicated by Benjamin, it is surprising that we have comparatively little information about India and China from Arabic sources. In none of their records is the Sea of Nikpa named, and it is not improbable that Benjamin coined this name himself from the root נָפַא which occurs in the Bible four times; in the Song of Moses (Exod. xv. 8): קָפַא הַדְּמָיִם בַּלֵּב יָם "The depths were curdled in the heart of the sea" (not "*congealed*" as the Version has it), Job x. 10: כְּגִבֵּי־הַקֶּשֶׂאִי "curdled me like cheese"; and in Zeph. i. 12 and Zech. xiv. 6. The term "the curdling sea" would be very expressive of the tempestuous nature of the China Sea and of some of its straits at certain seasons of the year.

of food are exhausted and then they die. In this way many a ship has been lost, but people eventually discovered a device by which to escape from this evil place. The crew provide themselves with hides of oxen. | And when this evil wind blows which drives them into the p. 95 Sea of Nikpa they wrap themselves up in the skins, which they make waterproof, and, armed with knives, plunge into the sea. A great bird called the Griffin spies them out, and in the belief that the sailor is an animal, the Griffin seizes hold of him, brings him to dry land, and puts him down on a mountain or in a hollow in order to devour him. The man then quickly thrusts at him with a knife and slays the bird. Then he issues forth from the skin and walks till he comes to an inhabited place. And in this manner many a man escapes¹.

M. N. ADLER.

¹ Marco Polo has much to say about the bird "gryphon" when speaking of the sea-currents which drive ships from Malabar to Madagascar. He says, vol. II, book III, chap. 33: "It is for all the world like an eagle, but one indeed of enormous size. It is so strong that it will seize an elephant in its talons and carry him high into the air and drop him so that he is smashed to pieces; having so killed him, the gryphon swoops down on him and eats him at leisure. The people of those isles call the bird 'Rukh.'" Yule has an interesting note (vol. II, p. 348) showing how old and widespread the fable of the Rukh was, and is of opinion that the reason that the legend was localized in the direction of Madagascar was perhaps that some remains of the great fossil *Aepyornis* and its colossal eggs were found in that island. Professor Sayce states that the Rukh figures much—not only in Chinese folk-lore—but also in the old Babylonian literature. The bird is of course familiar to readers of *The Arabian Nights*.

(*To be continued.*)

GENIZAH STUDIES.

GEONIC RESPONSA

(continued).

V.

FRAGMENT¹ Am., paper, size 18 × 13 cm., consists of a quire of two leaves, of which the middle pages are missing. It is written with a square hand, but with a strong turn to cursive, and belongs to about the twelfth century. It represents the remainder of a collection of Geonic Responsa containing five Responsa by the Gaon Hai.

The fragment has suffered very much from water and dampness, which have obliterated nearly the entire first page. The names עי'אש בר משה, מבורך בר עמר'אן, ישעיהו בן יהודה occur twice on the first page, in a document the nature of which I am unable to make out on account of the bad state of the fragment. On the last four lines of the page the following words are legible: (line 14) נאון זל לאנשי פאם; (line 15) לומ' בו תתכלי חרבא כדרך; (line 16) יום טוב; and on the last line לטעם כחול. These few words enable us to identify the Responsum with that quoted by R. Isaac Gajet in his שערי שמחה, II, 59 a, in the name of Hai, in regard to the recital of the funeral prayer תתכלי חרבא, and there can, therefore, be no doubt that by נאון in our fragment Hai is meant.

Responsum No. 2, on the question if locusts belong to the class of prohibited food, has been published before by

¹ This fragment belongs to David W. Amram, Esq., of Philadelphia, who kindly placed it at my disposal, for which I herewith express my thanks.

Harkavy in the Hebrew periodical, *Ha-Peles*, II, 47¹, and by Schechter in his *Saadyana*, fragment 34, page 62. Our fragment offers better readings than theirs. Harkavy also published in *Ha-Peles*, *ibid.*, the third Responsum, of which our fragment has preserved only the beginning.

Responsum No. 4, of which the commencement is missing, gives a short explanation of the passages in the Talmud *Sanhedrin*, 54 b, and *Niddah*, 44-45. The literal quotations from the Talmud in this Responsum are very interesting for the history of the text of the Talmud.

Responsum No. 5 deals with the question whether the זכרונות מלכיות ושופרות on the Musaf of the New Year are to be said by the whole Congregation or only by the חזן. A part of this Responsum is quoted by Ibn Gajet in his *שערי שמחה*, I, 28, where Hai Gaon is given as its author. Hai's answer is that the additions to the מוסף של ר"ה should be recited only by the חזן, and he adds, מעולם לא נעשה כן בישיבות, "that they never were recited by the congregation in the synagogues of the Academies." On the later custom, compare Jacob ben Asher, *Tur Orah Hayyim*, 591, and the authors quoted by him.

¹ Comp. also the Hebrew periodical, *Ha-Goren*, II, 88.

(Leaf 1, verso.)

וּדְשֵׁאִילָתָן

הא דתנן החגבים מן הסלילה¹ אסורין ומן ההפתק מותרין²
 מכלל החגבים מיתי שרו ועוד מרתנן ר' יהודה אומ' אף
 המוציא חגב חי טמא ומשנינן עד דמוקמינן דילמא
 מאית ואכיל ליה³ מכלל החגב טהור אי מיית שרי וקשי לן
 5 מאי דאשכחנן לרבנו מר רב סעדיה זל דאמ' חגבים שמתו
 אסורין ודגים שמתו מותרין ולא ידעינן מהאי טעמ' או הילכתא
 או מנהגא וחומרא הוא דאיתמר ואנן לא שמיע לן מאן
 דאכיל להו ובתורת איסור נהגו קדמונינו בהן יליף לן
 מרן אנהגא לא שמיע לנא דמר רב סעדיה גאון נע
 10 אסר חגבים מתים אלא ודאי כדגים דאמו בין לענין אכילתן
 בין לענין דמן ומנהגא דעלמא דמיתי⁴ שליפי חגבים
 ושאדו להון בדודי אעפ' שרובן מתים ומאן דאמרין
 מתים אסורין אטו לשחיטה מצרכי להו או לחניקה
 ביד ישראל

וּדְשֵׁאִילָתָן

15

עדים שיודעים עדות בקנין על פה צריכי להעד
 בפני בעל דין או לא כיון דאמרי⁵ סתם קנין לכתובה
 עומד⁶ וכל מאי דדינינן בשטרא דינינן ביה כשטרא
 דמי ולא צריכי וכן שטר שאין בו קנין מי צריכי
 20 להעד בו בפני בעל דין או לא לפי שיש אצלנו בו

¹ Not סלילה, but סלילה is the correct reading. It is a diminutive after the form qūtail, and is to be translated by "small basket."

² *Abodah Zarah*, 39 b.

³ *Shabbat*, 90 b.

⁴ i. e. דמיהי.

⁵ Harkavy, כיא דאמרין, which gives no sense.

⁶ *Baba Batra*, 40 a.

(Leaf 2, recto.)

אחד אין הבא עליו פטור מאי טעמא משום שאין שכיבה חשובה מן
 השוכב עד שיהא בן תשע שנים ויום אחד בין אינה חשובה בנשכב
 עד שיהא בן ט' שנים ויום א' והא מילתא כולה בנשכב אמורה ולא
 נאמרה בשוכב לפי שאין נהרג אלא גדול כי זאת מפורשת ותנינא
 5 בנידה¹ בן תשע שנים ויום א' שבא על יבמתו קנאה ואינו נותן גט
 עד שיגדיל ומטמא כנדה לטמא משכב תחתון כעליון ופוסל ואינו
 מאכיל² ופוסל את הבהמה מעל גבי המזבח ונסקלת על ידו ואם
 בא על אחת מכל העריות האמורות בתורה מיתות³ על ידיו והוא
 פטור ושמואל אם משכבי אשה כתי בזכר⁴ כי היכי דאשה
 10 נשכבת יש לה ביאה מבת ג' שנים ויום א' הכין נמי זכור הנשכב
 מבן ג' שנים ויום א' ובאשה תנן⁵ בת ג' שנים ויום א' מתקר' בביאה
 ואם בא עליה יבם קנאה וחייבין עליה משום אשת איש ומטמא
 את בועלה לטמא משכב תחתון כעליון נישאת לכהן אוכל⁶ בתרו'
 ואם בא אליה א' מן הפסולין פסלה מן הכהונה ואם בא עליה א'
 15 מיכל העריות האמורות בתורה מתים³ על ידיה והיא פטורה
 והילכתא כרב בהא מילתא דהבא על הזכור דאמר⁴ תניא
 כותיה דרב הבא על הזכור בן תשע שנים ויום אחד והבא על
 הבהמה בין כדרכה בין שלא כדרכה והאשה המביאה את
 הבהמה בין כדרכה בין שלא כדרכה
 20 ושׁאל יש מי שאומרין עלינו לשבח חייב

¹ *Mishnah Niddah*, V, 5; *Gemara*, *ibid.*, 45 a.

² This is also the reading in the first edition of the *Mishnah* (Naples, 1492), and in the edition of Lowe, but the later editions of the *Mishnah* and the *Talmud*, including the ed. princeps of *Niddah* (Soncino, 1487), have באכיל בהרומה.

³ Here again our MS. agrees with ed. princeps of the *Mishnah*, and with the edition of Lowe, all other editions reading מומהים.

⁴ *Sanhedrin*, 54 b, below.

⁵ *Niddah*, 44 b.

⁶ Editions, including the ed. princeps of the *Mishnah*, read האכל.

(Leaf 2, verso.)

כל א' וא' לאומרה ואעפ' שהוא עומד אחר שליח ציבור ומתפלל
 בלחש אותה מתפלל ואם התפלל שבע לא יצא ידי חובתו עד שיתפלל
 תשע אם בבית הכנסת ואם בביתו ואין במוסף שלראש השנה
 שבע כלל אלא אלו התשע יורנו אדונינו בן הוא אם לאו
 מעולם לא נעשה כן בישיבות אלא בזמן שהציבור
 5 מתפללין בחבר עיר אין היחיד מתפלל בלחש אלא שבע בלבד
 וגם שליח ציבור אינו מתפלל בלחש אלא שבע בלבד וכשיוֹרֵד
 שליח ציבור לפניהם אומ' תשע וכך יצאו כולן ידי חובתן
 והכין אמרין רבנן הא מילתא דתנן¹ בשם ששליח ציבור חייב
 10 כך כל יחיד ויחיד חייב רבן גמלי' אומ' שליח ציבור מוציא
 את הרבים ידי חובתן ובחבר עיר קימא² ועל ציבור שמקובצין
 להתפלל דתנא קמא סבר כל אחד וא' מתפלל תשע ורבן
 גמלי' סבר כל א' וא' מתפלל שבע ואין אומ' מלכות זכרונות
 ושופרות אלא שליח ציבור אומרן ומוציא את הרבים [השומעין]
 15 ידי חובתן ופסיקא הלכה כרבן גמלי'² וכן המנהג (?) וצריך
 היחיד שיכוין את לבו לשליח ציבור מתחלת ירידתו
 באבות שהיא תחלת ברכות ושיחא עומד אחריו כמי
 שהוא עומד בתפילה ועד סוף התפילה ואי נמי לא מצלי
 יחיד כל עיקר מוסף בריש שתא אפילו שבע אלא שתיק
 20 ונחית שליח ציבור ואומ' תשע כבר יצא כל יחיד ויחיד

¹ *Rosh ha-Shanah*, IV, 9; *Gemara*, *ibid.*, 33 b.² *Rosh ha-Shanah*, 34 b.

VI.

Fragment¹ T-S., Loan 97, paper, size 18.5 × 14.5 cm., consists of two leaves, written in a very ancient square hand of about the tenth century. It is the remainder of a Geonic Responsum, dealing with the קרושה. Its author is a Palestinian scholar, the pupil, or at least a younger contemporary, of Judai Gaon, the head of the Academy of Sura, about 760. The writer of this Responsum describes Judai "as one who has not had his like from early times until this day, being great in the knowledge of the Bible, the Mishnah, the Talmud, the Midrash, the Tosafot², the Haggadah, and practical law" (Leaf 2, recto, lines 26-28). The description of Judai, which fills more than a page, is highly characteristic of the time and the country of the writer. The highest praise he has for the great Gaon is "that he never decided a legal question without having the authority of the Talmud, and that of his teacher, for his decision."

With regard to the supremacy of the Babylonians, even in the Holy Land, notice the interesting information given in this fragment, that it was on account of the Babylonians who lived in Palestine that the liturgy was changed, and the "Kedushah" was introduced into the daily prayers, although in the original custom of the country, the Kedushah was to be found only in the שחרית of the Sabbath.

That the Kedushah was recited on week-days we knew before (comp. Tosafot to *Sanhedrin*, 37b, s. v. מכנה; Midrash ויכול in *R. É. J.*, XIV, 110; *Maseket Soferim*, XX, 7; Jellinek, *Bet-Hamidrash*, V, 162, and *Or Zarua*, II, f. 9c), but now we know that even on שבת ויו"ט the Kedushah was recited only with the תפלת שחרית, and not with מוסף. This explains the introductory formula כתר in the מוסף קד', according to all³ the rituals except מנהג אשכנז and Maimonides.

¹ I beg to acknowledge my indebtedness to Dr. S. Schechter, who placed fragments VI and VIII at my disposal.

² תוספות is here not the "Tosefta," but is identical with apocryphal Midrashim, and therefore is mentioned after Midrash.

³ I have compared the following rituals, all of them in the possession of the Jewish Theological Seminary of America: (1) רומי; (2) ספרד;

The old introduction was undoubtedly נקדש, as in Ashkenaz and Romania, or נקדישך, as in the Sephardic ritual, and כתר was originally used in Babylonia only on account of the influence of the Merkabah literature, and there nothing but כתר was used, as can be seen from the Seder Rab Amram Gaon, and the Italian ritual, which is modelled after that of the Babylonians. All the other countries kept their old נקדש or נקדישך, but when they yielded to the influence of the Babylonian schools and introduced the קדושת מוסף, they took over the formula כתר with it. In connexion with this I will state that the old editions of the Italian מחזור know only כתר for all the קדושות, נקדישך in the later editions being due to the influence of the Sephardic Kabbalists, who offered explanations why כתר should be recited only in מוסף. The oldest Italian מחזור known to me in which נקדישך occurs is ed. Venice¹, 1626, Bragadini. But perhaps the Maḥzor edited by טוב² אברהם חבר is older than the one mentioned; and in this edition we have the marginal note on the קדושת חול: יש נוהגים ע"ד האמת שלא: קדושת חול ואומרים במקומו נקדישך לו' כתר אלא במוספין ובנעילה בי"ה.

Another interesting point in our fragment is the tradition according to which the insertion of שמע in the קדושה had its origin in a religious persecution of the Jews. This tradition is found also in the Responsum of Sar Shalom Gaon² (Seder R. Amram, page 11, Pardes, ed. Constantinople, 56 b), but our fragment adds some details not known before. It agrees with the other sources that it was a Christian persecution, but adds that the persecution ceased when the Christians were defeated by the Mohammedans.

מחזור אש"ם (8); (MS.) צרפת (7); כפא (6); קרפנטרץ (5); אויגנין (4); רומניא (3) (MS.); and סדר ר' עמרם (9); מחזור טירן (10); the oldest ritual known, a copy of which is in the possession of Dr. Schechter. With the exception of the ספר, I have used the first editions of the rituals mentioned. The third edition of מ' ספר (Adelkind, Venice, 1544) has נקדישך in the הלה and כתר for the Ḥazan! The second edition, and that of 1543, printed in Venice by Elijah Levita, has נקדישך only. Saadia in his Siddur has נקדישך only.

¹ The existence of this edition is doubted by Steinschneider (Cat. 2538), but the Jewish Theol. Sem. of America possesses a copy of the first part.

² He was active as an editor from 1595-1643. The copy of this Maḥzor used by the writer lacks the title-page. The bibliographers know of no Maḥzor edition by this Abraham Ḥaber Ṭob.

³ Comp. also *Abudarham*, p. 64 b, ed. Amsterdam.

(Leaf 1, recto.)

בהן באבות תחילה וסוף במודים תחילה וסוף וג' וקל וחור' ומה אם
 השתחואה שאינה לה ברכה ולא הזכרת השם נתנו לה חזמזל
 שיעור וטבעו אותה המברך ברכה שאינה צריכה על אחת כמה
 וכמה ועוד שנו ח'ב ז'ל היבא מנענעם² ומה ניענוע נתנו לו חכ' ז'ל
 5 שיעור המוסיף אות אחת על מטבע' חכ' על אחת כמה וכמה שאסור
 להוסיף אות אחת ועוד שנו חזל רב נחמן בר יצחק אמר העושה
 בבית שמי חייב מיתה דתנן אר' טרפון אני היתי בא בדרך והטי'
 לקראות כד'ב בית שמי וסכנתי בעצמי מפני הלסטים אמ' לו כדי'
 הייתה לחוב בעצמך שעברת על דברי בית הלל³ אין בה⁴ לא ברכה
 10 ולא הזכרת השם חייב מיתה מפני שעבר על דברי בית הלל וחכמים
 שקבעו הלכה בבית הלל שכך כתוב וסביביו נסערה ושאר מלמד שהקבה
 מדרק עם סביביו אפילו כחוט השערה⁵ שכל המוסיף על דברי חכ'
 או פוחד אפילו כחוט שערה חייב מיתה⁶ ושנו חזל לכל נושא
 הקבה פנים חיץ ממוסיף על שבחו שלהקבה אפלו אות
 15 אחת שאין נושא לו הק פנים שכף כת האל הג הג והנו אשרלא ישא
 פנים ולא יקח שוחד ואי אתה מוציא בכל התורה כולה שכתוב
 אשר לא ישא פנים אלא בפסוק זה מפני שהוא שבחו שלקבה⁷ וכן אר'
 יהודאי זכר' אד' וג' לברכה כל ברכה שאינה בתלמוד אסור לברך
 אותה ואסור להוסיף אות אחת בא ולמד באי (?) לומר המלך
 20 הקדוש לאמר מלך הקודש⁸ כמה ח'ב נחלקו בה עד שקבעו חזל
 הלכה שכך שנו חזל אמר רבה בר חיננא סבא משמיה דרב כל
 השנה כולה יתפלל אדם האל הקדוש מלך אוהב צדקה ומשפט
 חוץ מעשרה ימים שבין ראש השנה ליום הכפורים יתפלל המלך
 הקדוש המלך המשפט מאי הוי עלה רב יוסף אמר מלך הקדש
 25 מלך המשפט ורבא אמר המלך הקדש המלך המשפט והלכתא
 כוותיה דרבא⁹ וכן כל ברכה וברכה שתקנו חזל שאתה מוציא
 כמה ח'ב נחלקו בה עד שקבעו הלכה ואן לך כל ברכה וברכה אלא
 שאתה מוציא אותה בתלמוד וכן אמר מר יהודאי זל שגזרו
 שמד על בני ארץ ישראל שלא יקראו קריית שמע ולא יתפללו והיו

¹ Berakot, 34 a, below. Our text reads בהוראה instead of במודים. Comp. also Rabbinowicz, *Dikduke Soferim*, ad loc.

² Sukkah, 37 b; Mishnah and Gemara.

³ Berakot, 11 a, below.

⁴ Read ומה זאת שאין בה. The line under אין בה is to indicate that the writer left out some words.

⁵ Baba Kama, 50 a.

⁶ Comp. Sanhedrin, 88 b.

⁷ A similar passage is found in the MS. of the *Midrash ha-Gadol*, Deut. : x. 17, and probably it was in the original text of *Megillah*, 18 a.

⁸ Read הקדוש מל' לאמ' מל' הקדוש.

⁹ Berakot, 12 b.

(Leaf 1, verso.)

מניחין אותן ליכנס שחרית בשבת לומר ולזמר מעמדות
 והיו אומרים בשחרית בשבת מעמד וקדוש ושמע במוסף
 והיו עושים דברים הללו באונם ועכשיו שכילה הקב"ה מלכות
 אדום וביטל גזרותיה ובאו ישמעלים והניחום לעסוק בתורה
 5 ולקרא קרית שמע ולהתפלל אסור לומר אלא דבר דבור במקומו
 כתיקון חז"ל תורה במקומה ואסור והתר במ'ק ותפילה וקריית
 שמע במקו וכל ברכה וברכה וכל דבר ודבר כתיקון חז"ל במק
 ובזמנו מפני שאסור לומר קריית ש' בתפילה או תפילה בקרית
 שמע או שבת בשלש ראשונות אלא ברכת שבת כתיקונה וברכת'
 10 יום טוב כתיקונו ואם אתה מזכיר שבת במגן או יום טוב במ'
 במגן כדרך שאומרים רצה והנחיל לבניהם שבתות למנוחה
 כבר היזכיר שבת בשלש ראשונות כיצד אומר ומברך ברכת
 שבע כתיקונה ולא תיקנו חז"ל להזכיר שבת או דבר אחר שני
 פעמים שכך שנו חז"ל כל הקורא קרית שמע וכופלה הרי זה
 15 מגונה¹ ואפילו אנו ליה וליה עינינו ר' יהודה או' שונים אותה לומר
 אנו ליה וליה ע'ין וקשיא להו לרבנן אינו והא א' רב זירא כל האומר
 שמע שמע מודים מודים ומפרקים דא הכי אנו ליה מודים ליה
 עינינו מיחלות² וכל שכן לומר זוכרנו לחיים במגן שהיא בקשה
 ולא מעין ברכה היא דאפילו באמצעיות שאמרו חז"ל אם בא
 20 לומר בסוף כל ברכה וברכה מעין כל ברכה וברכה אום³ במה דברים
 אמורים רפואה בברכת רופא ופרנסה בברכת שנים אבל רפואה
 בברכת השנים ופרנסה בברכת רפואה דלאו מעין ברכה היא הרי
 זה מגונה וכל שכן בשלש ראשונות שלקב"ה וכל שכן שאסור
 לשאול צרכיו בשלש ראשונות ובשלש אחרונות וכל(?) עיקר מפני
 25 שמערב שאילה בשבח ואפילו לערב שבח בשאילה ושבח בהודאה
 והודאה בשבח והודאה בבקשה והודאה באמצעיות כולן הרי זה
 מגונה אלא גומר כל ברכה וברכה כתיקונה ולחתום כמעין אותה
 ברכה אבל לומר שלא כמעין אתה ברכה ולחתום שלא כמעין
 אותה ברכה שהוא מזכיר אסור בא ולמד מאדם שנכנס לפני

¹ Berakot, 33 b. Our texts read שמע אה.² Sukkah, 53 b, to which our fragment gives an entirely new explanation.³ Abodah Zarah, 8 a; comp. also שה"ק, ed. Buhler, p. 268.

(Leaf 2, recto.)

מלך בשר ודם שאין יכול לומר אלא דבר ודבר ובקשה ובקשה אבל
 אם בא להתערב בדבר שלא כמעין אותו דבר או בשעה שמשכיח
 את המלך מערב שאלה בשבח ושבח בשאלה או דבר בדבר דוחפין א[ותו]
 ואפילו אדם לפני אדם כמותו • שנוף אותו ומישים אותו טפש כל שכן
 5 זה שאומרים שמע בין קדוש לימלוך שאין הוא לא עיתו ולא מקומו
 שתיקנו חזל מפני שלא תיקנו חזל לקרוא קרית שמע אלא שחרית
 וערבית בלבד מן המשנה ומן התלמוד אם אתה אומר שמע פסוק ראשון
 שהוא אז עיקר קריית שמע פסוק ראשון הוא¹ אמר רב יהודה אמר
 שמואל² שמע יש' ייאל יי אחד זו היא קריית שמע שלרבי יהודה הנשיא
 10 ועוד תנו רבנן שמע יש' יי אל יי אחד זו היא כוונת הלב דבר מאיר אמר
 רבא הלכה כרבי מאיר³ ועוד כל שכן זה שאומרים פעמים באהבה
 שהוא כמגים דעתו כלפי מעלה ומתרעים⁴ ואומר שאנו אומרים
 פעמים בכל יום שהוא כמגים דעתו כלפי מעלה ואמר יהושע בן
 לוי בעשרין וארבעה מקומות בית דין מנדים ואחד מהם מגים
 15 דעתו כלפי מעלה⁵ שאפילו אנו עוסקין בתורה שהיא חיי העולם הבא
 ביום ובלילה אסור לנו לחזיק טובה לעצמינו שלא ברא הקבה אותנו
 אלא לכבודיו שכך כתוב כל הנקרא בשמי וגו' ותדע לך שכן היא ותקנת
 שמד היא שאין אומרים שמע בן קדוש לימלוך אלא בתפילת שחרית
 של שבת בלבד אבל במוספין ובמינחה וכל ימות השבת אין אומרים
 20 עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או
 בימים טובים בלבד בשחרית בלבד חוץ מירושלים ובכל מדינה
 שיש בה בבלאין שעשו מריבה ומחלוקת עד שקיבלו עליהם
 לומר קדושה בכל יום אבל בשאר מדינות ועירות שבארץ ישראל
 שאין בהם בבלאין אין אומרים קדוש אלא בשבת ובימים
 25 טובים בלבד ודברים הללו אין מעיין אותן ומדקדק בהם אלא
 הותיקין כגון מר רב יהודאי שלא היה כמותו מן כמה שנים
 עד עכשיו שהיה גדול במקרא ובמשנה ובתלמוד ובמדרש
 ובתוספות ובהגדות ובהלכה למעשה ולא היה אומר דבר שלא

¹ The words הוא ראשון פסוק are a dittography from the preceding line.² Berakot, 13 b. The reading of the MS. agrees with MS. Munich; comp. Dikduke Soferim, ad loc.³ Berakot, ibid.⁴ If the reading ומתרעים is correct, then it stands for הקב"ה על מרותו של הקב"ה.⁵ Berakot, 19 a.

(Leaf 2, verso.)

שמע מפי רבו והיה גדול בקרושה ובטהרה ובחסידות ובענוה
 והיה מדקדק בכל המצות כולן והיה מאסיר¹ את עצמו לשמים
 והיה מקרב את הבריות לתורה ולמצוות ולא הניח כמותו ואף
 אתם התבוננו לדבריו והבינו שם . . . ת שמים וחכמים אתם והבינו
 5 דבר מתוך דבר שכל הדברים הללו הן כולן בתלמוד ולא ניתן תלמוד אלא
 להגות בו ביום ובלילה ולהבין דבר מתוך דבר ולקיים דיקדוקי תורה
 ודיקדוקי מצות ובזמן שאסר להן מר רב יהודאי זל כל סורקה אפילו
 כחוט השערה אין לו בדיקה בין דסריך תרבה דליבה ובין דסריך
 בשפולי דריאָה ובין דסריך בגבה דריאה בין דסריך בחיתוכה דאני
 10 ודוקא דסביך בבשרא נתקבצו עליו תלמי חבמ ובקשו ממנו לומר
 להן מהיכן הוא אוסר להן אותו אמר להן מן התלמוד גופיה אמר רב
 יוסף בר מינימי אמר רב נחמן ריאָה שניקבה הדופן סותמתה בשרה
 ואמר רבינא והיא דסביך בבשרא אמר ליה אבא יוסי לראבינא טעמא
 דסביך הא לא סביך מאי טרפה אלמא אמרימנן (sic!) ניקבה אית בה אי
 15 הכי אף על גב דסביך נמי אמרינן ניקבה אית בה מלא תנן ניקב פסול
 מפני שהוא שותת ונסתם כשר מפני שהוא מוליד וזה הוא פוסל
 שחזור להכשירו זה למעוטי מאי לאו למעוטי הא ולא למעוטי
 קרום שעלה מחמת מכה בריאה ממקום אחר² לומר לך כל היכא דאכא
 סירכא דחתיכה דאוני דאמרנן דופן מגני עילויה ודווקא דסביך
 20 בבישרא עוד מדרב יוסף דאמ' רב יוסף קרום שעלה מחמת מכה
 בריאה אינו קרום³ דכיון דניקב אף על גב דמסתם טריפה היא
 מדתנן ניקב פסול ועוד מדרב דאמ' רב נחמן הלב העשוי כמן קובע
 אינו סותם⁴ ועוד אמ' מר יהודאי זל שמעולם לא שאלתם אותי דבר ואמרתי
 לכם אלא דבר שיש לו ראייה מן התלמוד ולמדתי הלכה למעשה
 25 מרבי ורבי מרבו אבל דבר שיש לו ראייה מן התלמוד ולא היה בידי הלכה
 למעשה מרבי או שהיה בידי הלכה למעשה מרבו אין לא⁵ ראייה מן התלמוד
 לא אמרתי לכם אלא דבר שיש לו הלכה מן התלמוד והיה בידי הלכה למ' מרבי
 לקיים דתניא אין מורים הלכה מפי מקרא ולא הלכה מפי משנה

LOUIS GINZBERG.

¹ The Aramaic form, instead of the Hebrew מוכר.² *Hullin*, 48 a. The reading of our MS., compared with the editions and MSS. of the Talmud, shows many variants. Note especially the reading יוסף יוסף, and not רב י' as the editions have it. Rabbina could never have spoken to R. Joseph, and therefore יוסף יוסף is the correct reading.³ *Hullin*, 97 b.⁴ *Hullin*, 49 b, below. Our texts have ככובץ, and not קובץ.⁵ Read ואין לו.

(To be continued.)

THE ARABIC PORTION OF THE CAIRO GENIZAH AT CAMBRIDGE.

(*Eleventh Article.*)

XXVII.

SA'ADYĀH'S "REFUTATION OF THE UNFAIR AGGRESSOR."

Two leaves, 20 × 14 cm.

The fragment published in this instalment is directed in general against "the dissenters from the Rabbanites," and in particular against a person not mentioned by name, but alluded to under the designation *הוא אלמתחאמל* "This unfair aggressor." As Sa'adyāh is known to be the author of a polemical treatise entitled *כתאב אלרד עלי אלמתחאמל*¹ (*Refutation of the Unfair Aggressor*), the suggestion is near enough to take the fragment as part of this pamphlet. Its strong anti-Qaraite tendency leaves, indeed, little room for assigning the treatise to another author, and its method of arranging rules and arguments in numbered classes is entirely in keeping with Sa'adyāh's habits.

But there is also linguistic evidence in favour of Sa'adyāh's authorship. The quotation of the verse Prov. xii. 13 is introduced by the phrase *והק סו*, "fateful neck rope²," and

¹ See Steinschneider, *Die arab. Literatur der Juden*, p. 51. Poznański, *J.Q.R.*, X, p. 254, spells *אלמתחאמל* according to the spelling given by Nissim b. Jacob. This, however, is not correct, as *החמל* (v) means "he took upon himself a burden," whilst *vi* has the meaning here required. In the fragment the word is spelt *אלמתחאמל*.—The word *הויס* (?), which both Steinschneider and Poznański reproduce from their sources, is quite meaningless, and as it does not occur in the fragment it should be omitted altogether. Cf. also the Hebrew version *השובה על השוען*.

² Dozy, *Supplément*, s.v., quotes Sa'adyāh on Ps. lxiv. 4.

the same phrase is employed in Sa'adyāh's Arabic versions not only of the verse in question, but also of Ps. lxiv. 4.

Another and more intricate question, however, is the relation of this pamphlet to the same author's *Refutation of Ibn Sāqweih*, a fragment of which has been published as No. IX of this series of Genizah texts¹. The identity of the two treatises is denied by Dr. Poznański², but the passages quoted by him from Nissim b. Jacob and Judah b. Barzillāi offer no clue to the solution of the problem. In vol. XIII of this Journal (p. 663 sq.) Dr. Harkavy published a fragment of the pamphlet against Ibn Sāqweih. In this fragment the author quotes the verse Prov. xxv. 8. The same verse is again commented upon in the fragment to follow here, and it is not probable that such a repetition would occur in one and the same treatise.

On the other hand there is a striking resemblance between the three fragments³ of the rejoinder against Ibn Sāqweih on one side, and this new one on the other, as regards the person criticized. Whilst in the former he is alluded to by the terms "this newcomer," "this person," "this man," "that foolish man," he is styled in the latter "that unfair aggressor." There is a certain climax in the last-named epithet, which I am inclined to refer to the same person, though it may not occur in the same treatise. In other words, it seems to me that the בְּתַאבֵּי אֱלֹרֶי עָלֵי אִלְמַתְחַמֵּל is a second rejoinder by Sa'adyāh to the same Ibn Sāqweih.

Our fragment appears to belong to the earlier part of the treatise, immediately following the preface. The author puts up *seven* rules which he who desires to criticize an opponent's views must follow to be successful. The adjoining allusion to the *ten propositions* held by the other party probably refers to the *ten topics* spoken of in both of Harkavy's fragments (see pp. 656 and 663). The author, then, states the reason which induced him to write his pamphlet, viz. that the Qaraite opponent had selected

¹ See *J. Q. R.*, XVI, p. 100 sqq.

² Ibid.

³ Viz. both of Harkavy's fragment and the one alluded to above.

passages from the Rabbinical writings which are apparently at variance with the written law. Another parallel between the two pamphlets is the division of the *ten* topics into groups of four and six (Harkavy, p. 663).

The main point of discussion appears to be the Rabbinic interpretation that the celebration of Passover mentioned in Numbers ch. ix took place on a Sunday, whilst the Qaraite opponent maintained that it was a Friday. The discussion thus turns on the question of בר"ו, or the rule that the first day of Passover cannot fall on Monday, Wednesday, or Friday. A further Qaraite assertion that the arranging of the shewbread took place on Friday forms the object of refutation, but the fragment breaks off in the middle.

T-S. 8 Ka. 10⁶.

. . אליהם לילא יבאדר עלי אלזאמהם מא לם יקולוה ואלב אנ ימיו . . Fol. 1
קול אלפראד מנהם מן קול גמהורהם אעני גמאעתהם לילא יטאלב recto.
אלגמאעה בקול אלפראד אלשאד ואלג יחתאג אנ יערף מן קולהם מא הו
כתיר אלוגראן ומא אנ יוגד [א] לא פי אלגרה¹ לילא ידעי עליהם אנהם²
אלנאדרון דאימא ואלד יחתאג אנ יערף מן קולהם מא הו באלקוה ומא
הו באלפעל לילא ידעי עלי מא קאלוה אנה באלפעל כאנו יפעלוה ואלה
יתוקא אנ ידעי עליהם אנ לים פרעהם כאצלהם³ דון אחאטתה באצולהם
כאחאטתה בפרעהם: ואלו יתוקא אנ ידעי עליהם אנהם נאקצו חתי יפנא
אלממכן כלה מן קול אלמ[ח]תג⁴ להם פידכל קולהם חנינד פי אלממתנע
ואלו יחדר אנ יעארצהם כמא הו מעתרץ עליהם אנ יטען עליהם במא מתלה
ינסב⁵ פי מרהבה: פאדא אחכם מן אנ יקצר אלרד עלי די מרהב הדח
אלעשרה אבואב כאן רדה עליה צחיחא ואמן אנ יכגל ענר מלקאתה |
כצמה בולך כמא קאל אלו⁵ ישר לבי אמרי ודעת שפתי ברוור מללו verso.
פאן הו אחמל ואחר מן הדח אלו או כף אנ אחמל ב או ה או כף אנ
אחמל כלהא ומע דלך אכד אנ יזיר עלי כצמה פלו ילבח חתי קד אטהר
עליה כצמה אנה לא יבצר לגתה או מעני לה או אנה קד אלזמה קול

¹ אלגרהם.

² אֲלֵהֶם, but the word is required.

³ כאצלהם with the second ל above the line.

⁴ מח indistinct.

⁵ כ doubtful.

פראד או סאיר מא פי אלי אלונה פנגל הו מן חית קדר אלאכנאל וכזי
 הו במא טמע אן יכזי כצמה פתמני אנה לם יתערץ אלי אלרד עליה בחית
 לא תנפעה אלזאמה¹ וכמא קאל אל תצא לריב מהר פן מה תעשה באחריתה
 בהכלים אתך רעך פאן כאן אלמדהב אלדי אומי אלי אלרד עליה דיאניא
 פאלז[א]מה מע אלעאר² אלכזי סכט מן ענד אלה ועקאב ועלי מא קאל אל
 תבהל על פיד ולבך אל ימהר להוציא דבר לפני האלהים כי האלהים
 בשמים ואתה על הארץ על כן יהיו דבריך מעטים פטובי מן תוקא אן
 ילפין³ בלסאנה גיר אלמסתוי ואלויל למן כאן כלאמה והקא לה פאנה והק סו
 כמא קאל בפשע שפתים נוקש רע | ויצא מצרה צדיק: ואלדי דעאני אלי
 אן קרמת הדה אלאקואל פי צדר הדה אלכתאב לאני ראית בעץ מנתחלי
 אלמכלאפה עלי אלרבאנין נצר פי כתבהם אעני אלמשנה ואלתלמוד
 ואלתוספא פגמע מנהא אקואלא תוהם אנהא רד עליהם אתבתהא פי אלכתאב
 פלמא אטלעת פי גמלתהא לם אגד ואחרת מנהא ירד עליהם מן אגל אן
 אלסבב אלדי אטעכנ(?)⁴ להדה אלמתחאמל פי אלרד עליהם הו גהלה באלו
 מעאני אלתי דכרתהא פפי בעץ קולה נסב אליהם מא לים הו להם ופי
 בעצה אלום גמאעתהם קול אלפראד (אשד⁵) מנהם ופי בעצה געל אלכאץ
 מנהם פי אלנדרה דאימא ופי בעצה חסב אלקול אלדי קאלוה באלקוה
 אנה באלפעל ואנא מבין אצל הדה אלד אבואב פי צדר הדה אלכתאב
 ואבין פרועהא פי מוצע ואחד ואחד מנהא ולא אדכלהא פי מא בין הדה
 אלקול (לק⁶) לטולהא ולאכני אשרח מן גהלה בו אלבאקיה מא יכון תמאם
 הדה אלקול | באכתצאר⁷ ואקול אני ראיתה יגעלהם מרה וארתיך ומרה
 מתאולין אד קאל פי מואצע תרך אלקום אצלחם ותרך אלקום ורתתהם וקאל
 פי מואצע דכלת עליהם שבה פי אלפסוק אלפללאני ואלפללאני פאן כאן
 אלקום וארתיך בטל קולה אנהם מתאולין ואן כאנו מתאולין בטל קולה
 אנהם וארתיך וראיתך איצא יזעם אנהם נאקצו אלמכתוב ונאקצו אנפסהם
 אד קאלו אן אלפסח בשנה השנית כאן יום אלאחר וזעם הו אנה כאן יום
 אלגמעה ואנה אלדי הלה עלי דלך אנה ראי משה רבינו נצר לחם הפנים
 על השלחן ביום החדש הראשון באחד לחדש א . . ולחם הפנים לא ינצר

Fol. 2
recto.

verso.

¹ very indistinct in consequence of correction.

² א above the line.

³ Read לש.

⁴ The last letters illegible.

⁵ אשד(?) to be deleted.

⁶ לק to be deleted.

⁷ effaced and only faintly visible.

אלא יום אלסבת מן קולה ביום השבת [ביום] השבת יערכנות וענדה אן
 קולה ביום השבת יראד בה מן אליום אלגמעה ליום אלסבת פאעתמר
 עלי הדה אל שבהה ואדעא¹ אנהם נאקצו והו לא יבצר טרק אלמנאקצה¹
 פיעלם אן קולה הו אלמנקוץ לאן נצד לחם הפנים לא יגו יום אלגמעה
 אד קאל ביום . . .

TRANSLATION.

[*Firstly*:] lest he rashly make them responsible for what they (the Rabbanites) have not said.

Secondly: He should distinguish between private and general opinion lest he make the community responsible for the opinion of a single individual.

Thirdly: He should know which of their teachings occurs frequently and which only casually, otherwise he might assert against them that a casual opinion of theirs is perpetual.

Fourthly: He should know which of their statements is potential and which is actual, lest he urge against them what they state to be actual. . . .²

Fifthly: He should be cautious in urging against them that a sub-division is not like the main theory, unless he comprehends the latter as he does the former.

Sixthly: He should be cautious in urging against them that they contradict [the law] to such an extent that every [other] possibility disappears from the assertion proved [by them], and their theory, consequently, becomes an impossibility.

Seventhly: He should carefully avoid opposing them in the same way as he opposes them when attacking them with an argument the like of which is embodied in his own views.

When he has thus made sure that his refutation of the followers of the *ten prepositions* does not fall short [of the rules enumerated above], his refutation will be valid, and he will be safe from being put to shame when meeting his opponents, according to Job xxxiii. 3. If he has, however, neglected one of these ten propositions, or it is feared that he neglected two or five, or all of them, in spite of his endeavours to overwhelm his opponent, he may anticipate that the latter will show him that he does not grasp his word or any meaning of it, or that he makes him responsible for the opinion of some individual,

¹ So vocalized with א above the line.

² The end of this passage is not quite clear, as instead of כאנו יפעלונה we should expect something else.

or for any other of the few propositions. He is, then, put to shame as much as he thought to shame his opponent, and is abashed in the same degree as he desired to abash the other. He will then wish he had not undertaken to refute him, since his attack did not profit him. This is illustrated by Prov. xxv. 8¹.

Now if the object of his attempted refutation is of religious character, the shame and disgrace will be enhanced by the wrath and punishment of God, as is written in Eccles. v. 1. Happy he who is careful not to speak but what is right, but woe to him whose speech is a neck rope² for him, because it is a fateful neck rope as intimated in the verse Prov. xii. 13.

What induced me to write these prefatory remarks was that I saw that one of the opponents of the Rabbanites had glanced into the literature of the latter, viz. the Mishnāh, the Talmud, and the Tōsiftā, and had collected a few passages which he imagined contradicted Scripture³. When I, however, examined them all, I did not find one which refutes them, because the reason which . . .⁴ this UNFAIR AGGRESSOR of the Rabbanites is his ignorance of the *ten propositions* mentioned above. In one case he foists on them an opinion which is not theirs, in another he makes the whole [Rabbanite] community responsible for the opinion of an individual; in other cases he represents matters spoken of casually as being the rule, and finally he considers sayings spoken potentially as actual. I am about to explain the general principle of these four cases⁵ in the introduction of this treatise. The details, however, will be discussed in their place without bringing them in here on account of their length. But I will briefly refer to his ignorance of the six remaining points which shall form the conclusion of this treatise. I am aware that they (the Qaraites) at one time represent Rabbanites as followers of tradition, and at another as [independent] arguers. He says in several places: "The people abandoned their principle," or "the people abandoned their traditional interpretation." In other places, again, he says: "They entertain doubts with regard to this and that verse." Now if people follow tradition, it is absurd for him to assert that they argue independently, and if they do the latter he cannot call them followers

¹ Compare the words רָצִי and כָּזִי in the fragment with אֲזִיזָךְ in the author's Arabic version of the verse in question.

² See Introduction.

³ This is evidently the meaning of the passage, although the wording of the original is not quite clear. They mean perhaps: He has established in Scripture a refutation of them.

⁴ The last two letters of this word are blurred.

⁵ See Introduction.

of tradition. To my mind he also imagines that the Rabbanites contradict the written word as well as themselves when they assert that the Passover of the second year (Num. ix) fell on a Sunday, whilst he asserts that it was a Friday. He finds the proof of this in the circumstance that Moses commanded the setting in order of the shewbread on the table on the first day of the first month (Exod. xl. 1, 14, 23). The shewbread was only set in order on the Sabbath according to Lev. xxiv. 8. In his (the opponent's) opinion the words "on the Sabbath" mean from Friday to Sabbath. He bases this opinion on the ambiguity of the expression, and asserts that they (the Rabbanites) contradicted [the Law]. It is he who is ignorant of the ways of contradiction, and, therefore, does not see that *his* opinion deserves to be contradicted, because the setting in order of the shewbread would not take place on a Friday on account of Lev. [xxiv. 8].

XXVIII.

SA'ADYĀH'S TREATISE ON USURY.

One leaf, 19.5 × 17 cm.

The following fragment, unfortunately very short and much mutilated, contains the beginning of a hitherto unknown treatise ascribed in the heading to Sa'adyāh. The title *On Usury* is not mentioned in any available list of Sa'adyāh's writings. This circumstance is, of course, no argument against its authenticity, neither does the fact that the fragment is not part of an independent pamphlet, but of a volume which also contains copies of another treatise, militate against its genuineness. Sa'adyāh's authorship is supported by the introduction, which, in his usual manner, indulges in classification. He begins by dividing his subject into *fourteen* classes, which he arranges in *four* groups. Of the last named only three are legible, viz. profit, increase, and decrease. The author then gives definitions of various classes of commercial transactions, such as advancing money on grain or fruit before they are ripe; care in avoiding fraud; agreement to deliver manufactured goods (e. g. a garment) for a fixed price. If

a person borrows utensils or grain, and these goods increase or decrease in value (while in his possession) he must pay the creditor either according to the original price, or in kind of the same value. The fragment breaks off at the beginning of a discussion of another group of four.

T-S. 12. 800.

Recto, line
3 from
bottom.

Verso
line 4.

קול פי אלרבא לגאון פיומי נוחו ערן
 אנואע אלרבא יד פנא וינבגי אן נשרחהא ונקול אן אלרבא
 אלמתקדם אנואעהא ארבעה אלחמרה
 ואלסבגא (so) ואלנקצאן ל
 מאיה תם
 פיוכסר
 ואלרבא
 אלרד ואלסלף
 אמא אלביע ב
 הרה אלדאר אלסאעה
 פבאלף ומאיה ואלמשרוט אלרד פהו אן יבי[ע] . . . [אלבר] ארח
 וישרט עליה מתי מא רזקה אללה רד עליה . . . מנהא
 ואכזהא אללחם אלא אן יביעהא לה במא תסאוי פי אלוקת
 אלחאני ואמא אלסלף פהן מא יסלף אלנאם עלי אלחבוב
 ואלחמאר מן קבל אן תנבת או מן קבל אן יערף להא . . ר
 ואלבארח מן אלכסארה פהו אלוי [שר]ט לנפסה חצה
 פי אלרבח וליס עליה מן אלכסארה . . . אלתקוי[ם?]
 פהו מא יקום אנסאן עלי צאחב[ה] . . . תובא בעשרה
 דראהם פמא רבח פוק אלעשרה . . . נחמא (?) ואן . . לף
 רפע אליה עשרה ואמא אלגלא פהו מן יקתרץ שיא
 סתם מן אלמתאע ואלחבוב פחכמה אן אל אלי גלא רפע
 אליה תמנה ואן אל אלי רכץ רפע אליה מתלה מתאעא או
 חבא ואלרבא אלוי יחתמל אלחאלין גמיעא ארבעה צרוב

HARTWIG HIRSCHFELD.

NOTES ON OLD TESTAMENT HISTORY.

II. SAUL.

TIME and tradition have not dealt kindly with the memory of the first king of Israel. Textual confusion has given him a paltry two years' reign (1 Sam. xiii. 1), and editorial theory has made him rejected but a short while after his accession (xiii. 8-14). Throughout, the priestly or prophetic party are against him, and one is almost inclined to feel that tradition is having its revenge upon Saul for the wickedness of the people in desiring a king. The greater part of the life-history of Saul is bound up either with Samuel or with David. He is overshadowed, in the one case, by the seer and prophet who ranks with Moses and Elijah; in the other, by the youth who is one day to reign over his kingdom. So, Saul is not represented in a favourable light: he is petulant, mad with insane jealousy, treacherous and ungrateful, and plays a sorry part by the side of the austere Samuel or the gracious David. In the few chapters where Saul is not made subservient to these two we gain, I think, a more pleasing picture of the king. That he was at heart a devout worshipper of Yahweh appears, for example, in 1 Sam. xiv. 35, where he builds his *first* altar to Yahweh. That he was brave and courageous—even in death—is familiar to every one, and the hold he had upon the people's heart comes out clearly in the well-known quotation from the Book of Jashar (2 Sam. i). This essentially secular passage testifies to the feeling of gratitude which the people had for the hero who delivered them from the Philistines and enriched them with the booty of war; Saul and his son Jonathan are a heroic pair, who were not to be divided even in death—a very different picture from what some of the preceding chapters would have led one to expect, and pleasing in its obvious simplicity. In point of fact, the really genuine old narratives relating to the history of Saul and his kingdom are lamentably few, and such as they are—e. g. his wars (xiv. 47 sq.)—have to be carefully examined.

For the earlier part of his life critics are now tolerably agreed that the only historical passages are to be found in 1 Sam. ix-x. 16, xi, xiii (omitting vers. 7 b-15 a) and xiv. That even the older portions are not free from serious difficulties is recognized, and helpful solutions have been proposed. In xiii it is evident that two situations are

represented. In one (*a*) the Philistines have invaded Israel, and are encamped in Michmash; the Israelites are put to flight, and take refuge across the Jordan in rocks and holes. Saul alone with a small band remains in Gilgal (xiii. 5-7). In the other (*b*) Saul is operating with a still smaller body of six hundred men at Gibeah (cp. xiii. 15*b*-16), clearly an excessively small number of men to put the Philistines to flight. H. P. Smith (*Sam.*, p. 94), who has not failed to recognize this absence of homogeneity in xiii, accordingly proposes to treat the whole of vers. 4-15*a* as an excerpt from a different source. But it is preferable to consider the situation in connexion with xiv, where it appears probable that the same twofold representation can be traced. For, as a careful comparison of the two chapters shows, the great Philistine invasion and the consequent flight of the people¹ presents a state of affairs which agrees very well with the notice of the marauding bands in xiii. 17 sq., and implies that the enemy had practically taken possession of the country. The obscure account of the lack of arms in Israel (xiii. 19-22) is not altogether strange in such a context, and the general effect goes to suggest that it is most unlikely that Jonathan's exploit (xiv. 1 sqq.) is associated with it in any way. In the latter, the rival camps are at Michmash and Geba, and Saul is at Gibeah surrounded by his six hundred men and the representatives of the priests (ver. 3, cp. xiii. 15). Jonathan, accompanied by his armour-bearer, proposes to make an attack upon the Philistine garrison, and intends to take the first words of the watchmen as an omen. "If they say, 'Come up,' we will go up, for Yahweh hath delivered them into our hand." The Philistine's challenge is the required sign, and the two Hebrews throw the garrison into confusion (xiv. 1-13). Only ver. 11*b* reads strangely in its present connexion; the Philistines, before replying, cry to one another: "Behold, the Hebrews are come forth from the holes where they hid themselves." This can only be a reference to xiii. 6, which belongs to (*a*); and it does not seem rash to look for further traces of this situation in the chapter. These are perhaps to be found in vers. 21 sq., the return of the fugitives, and in the general impression given by the narrative².

If the account of Jonathan's exploit (xiv. 1-11*a*, 12, 13...?) reflects a situation corresponding to (*b*), the rest of the narrative allows one to gain some idea of the sequel to (*a*). The great fight in which Israel

¹ One is reminded of the situation after the fight on Mount Gilboa.

² Ad. Lods, too, has found evidence of conflation and composition in ch. xiv (see *Études de Théologie*, &c., Paris, 1901, pp. 259-284). Budde's objections ignore historical difficulties, and arise from an uncompromising retention of a hard-and-fast theory of the literary sources.

was victorious was evidently an earthquake: there was a quaking in the land "among all the people, the garrison (gloss to connect with *a*), and the spoilers (cp. xiii. 17), they also trembled" (ver. 15)¹. Their ranks were broken; the Hebrews who had been pressed into the service of the Philistines deserted and clustered around Saul, and the enemy were routed to a point beyond Beth-horon (so ver. 23). That one of Joshua's great battles reads like a reflection of this event has suggested itself also to H. P. Smith (*O. T. History*, p. 82)², and it is a valuable gain to find some historical foundation for what has frequently been regarded as untrustworthy romance (Josh. x). It is an interesting detail that the Book of Jashar should be quoted here also (x. 12 sq.), since it is to the same source that we are indebted for another valuable sidelight upon the character of Saul (2 Sam. i). The original continuation of the narrative in 1 Sam. xiv has perhaps been expanded. The story of the violation of Saul's tabu by Jonathan (vers. 24-35) opens in the LXX with an introductory description, "And Israel was with Saul, about ten thousand men, and the battle was spread over Mount Ephraim"³. Again, in ver. 31, there is another description: "And they smote on that day among the Philistines from Michmash to Aijalon" (or with Lucian's text, "more than at Michmash"). Still proceeding, it is not until after another diversion that Saul proposes to go down by night and spoil the already smitten Philistines (ver. 36), and it seems far from unlikely that interpolation is responsible for the present form of Saul's great fight⁴. One remarkably interesting piece of information is the account of the first altar Saul built unto Yahweh (ver. 35). It is one which we could ill spare, and the words, "Roll ye (גלו ver. 33) a great stone," suggest that the scene was originally laid in Gilgal. The erection of this altar is not merely an episode in the pursuit of the Philistines, but more probably a memorial of his great victory (cp. Exod. xvii. 15)⁵.

This theory of a twofold situation finds subsidiary support elsewhere. ix. 16 states that the Philistines are oppressing the Israelites,

¹ Whence the obscure קררי in xiii. 7 has perhaps arisen.

² Cp. *J. Q. R.*, 1904, p. 418.

³ The rest of this verse may have been "Saul sinned a great sin (or perhaps rather 'had laid a great tabu') on that day" (see H. P. Smith, Budde).

⁴ For analogous cases, where editors have inserted passages by means of brief topographical introductions, cp. 2 Sam. xv. 18, 23, 30; xix. 15 sq., 24, 31, 40 (see *A. J. S. L.*, XVI, pp. 161 sq., 169 sqq.).

⁵ It perhaps came after ver. 23 *a*, where the day's work is summed up, vers. 31-34 are probably an aetiological legend; cp. again incidents in the story of Joshua (ch. iv; origin of the name Gilgal).

and that Yahweh will send a deliverer. This can be no other than Saul, and therefore *not* his son Jonathan, whatever the sequel of the latter's exploit may have been. But xiii. 3 apparently anticipates the feat (Geba, not Michmash), and if xiii. 4 inconsistently ascribes it to Saul, this is only what Samuel's charge (x. 5 *a*) would lead us to expect¹. These charges are so complete that the allusion to the Philistines can scarcely be pointless. Thus, we read here (*a*) the place where the lost asses are to be found (x. 2), (*b*) the meeting with the men who are going up to Bethel, probably an allusion to xi (cp. xi. 4, and see below), (*c*) a reference to the Philistines (ver. 5 *a*), (*d*) the meeting with the band of prophets (vers. 5 *b*, 6), cp. vers. 10-13, and finally (*e*) the order to go down to Gilgal (ver. 8), which is the preparation for xiii. 8-15. That the last is a gloss is generally admitted, but it seems highly probable that the charges have at least been expanded from time to time². It has been held by some that the whole account of Saul's introduction to Samuel is younger than xiii and xiv, and certainly the part which the seer plays in the account of Jabesh-Gilead (xi), at all events, is very clearly due to later redaction. Further, there is the familiar difficulty that Saul, who appears as a young and inexperienced youth in ch. ix, suddenly has a grown-up son in xiii-xiv. When these points are taken into consideration it seems probable that Jonathan's exploit is foreign to the earliest account of the defeat of the Philistines by Saul³. We have good reason to infer from the Book of Jashar that Jonathan on many an occasion distinguished himself valiantly, and this exploit of his was no doubt only one of many; we know that "there was sore war against the Philistines all the days of Saul."

¹ The verse begins: "After that thou shalt come to 'Gibeah of God,' where is the governor (?) of the Philistines, and let it come to pass when thou art come thither —" the remaining words are an introduction to x. 10-13.

² For an analogous example of such amplification, cp. 1 Kings xix. 15 sq. the charge given to Elijah to anoint Hazael and Jehu, which anticipates what really belonged to the career of Elisha.

³ xiv. 23 *b*-30, 36-45 (46) betray the Saul who in his hour of victory was ready to sacrifice his son; tradition has sought to anticipate his attempt upon Jonathan's life (xx. 30-34). The episode requires the introductory note ver. 3, ver. 17 links Jonathan's exploit to the main narrative. The tradition gives effect to a popular feeling; Saul's vow (as H. P. Smith points out) was not ill-advised or arbitrary from the religious point of view. But the question is whether the deliverer of Israel freed the people in the manner described in xiv. 15-46, or whether later tradition has not obscured and expanded the original sequence of events.

As regards the freeing of Jabesh-Gilead from Nahash king of Ammon by Saul (xi. 1-11) it is held that originally Samuel found no place¹. It has been remarked by others that this is the simplest and most natural account of Saul's rise, and the *naïve* introduction, x. 27 b, "and it came to pass after a month" (so LXX), is probably redactional. It has also been observed that it is by mere chance that the opportunity presented itself to Saul. Messengers were sent from Jabesh-Gilead throughout Israel, and when they reached "Gibeah of Saul" (proleptic) they made no inquiry for Saul, simply because they were not seeking him. The conjecture (above) that x. 3 sq. is to be associated with this, presupposes that, according to another tradition, Saul was on his way home, and met the men proceeding to Bethel. Both traditions have been modified, with the result that in xi. 4 the reader is expected to assume that the messengers were seeking the anointed king in the city which was to bear his name, and that in x. 3 sq. they had come to make him a present of bread and wine, apparently as a solemn offering or sacrificial feast.

The resemblance between the achievement in x, and some of the stories of the "Judges" is particularly striking; and had Saul lived in that period we should have expected him to become head or chief of Jabesh-Gilead. But if Saul is the last of the judges he is also the first of the kings, and we are now in a position to conclude that the oldest surviving traditions ascribed to Saul two great deeds—the freeing of Gilead, an event of local importance, and the defeat of the Philistines, an achievement which affected the very existence of Israel.

The belief that the Philistine oppression was subsequent to the defeat of Ammon, or was occasioned by Saul's attempt to establish a kingdom, is contrary to the tradition. Whatever may have been the true history of this early period, Saul, it was believed, owed his position to the fact that he was chosen by Yahweh to deliver Israel. The Philistines had long laid Israel under their yoke, and the people in their distress had cried unto Yahweh, and he had regarded their affliction (ix. 16). It may be objected that this represents a position of hopeless weakness which is not borne out by other passages², but it corresponds accurately with the older situation reflected in xiii-xiv. The most serious difficulty is to find an explanation of the invasion of the Philistines; all attempts to bring it into touch with preceding narratives being practically failures³. It is assumed that after the

¹ The mention of Judah, too, in ver. 8 is due to a gloss.

² e. g. ix. 1-14, where Saul wanders around the land accompanied only by one servant.

³ Note that vii. 13 sq., the final subjugation of the Philistines, is late.

ark was brought to Kirjath-jearim a wave of oppression swept over the country, Shiloh was destroyed, and the power of Israel was broken; and it is observed that the establishment of a Philistine governor (or garrison) at Gibeah in Benjamin clearly indicates the extent of the Philistine supremacy. But this does not solve the problem. Jeremiah seems to speak of the fall of Shiloh as a comparatively recent event; and one Philistine governor or garrison is hardly enough to account for the oppression from which Israel is suffering (ix. 16). All the historians recognize the difficulty; and, unless one is prepared to assume that there is an unaccountable gap in the narratives, no effort must be spared to discover the prelude.

The events which chronologically precede Saul's deliverance of Israel from the Philistine yoke cannot be traced either in 1 Samuel or in the Appendix to the Book of Judges. Samson, it is true, is said to have *begun* to free Israel; but he was a Judæan or Danite hero, and his exploits would not affect Israel¹. It is only when we reach the story of Jephthah and the introductory passage (x. 6-xii. 7) that we meet the required situation, and it seems justifiable to argue that the story of Saul's victories over Ammon and over the Philistines were once the immediate sequel to that extremely obscure introduction. The removal of all the narratives between Judg. xi and 1 Sam. ix will naturally strike the reader as exceedingly bold. As far as the *literary analysis* is concerned, it may be observed that Judges xvii-xxi is an appendix added to the book by one of the latest redactors, that the story of Samuel's youth has been written to form an introduction to the history of Eli and his sons, and that vii is of even later origin. For equally serious changes one may point to Num. x. 29, which resumes JE's narratives after Exod. xxxiv. 28, and to the insertion of the Elijah and Elisha narratives in 1-2 Kings. It need scarcely be said that the interpolated matter is not necessarily later than its new context. The *historical contents* of the intervening chapters in Judges and 1 Samuel will be considered later.

Judges x. 6-18 is an "Introduction to the History of the Oppression of Israel by the Ammonites and the Philistines" (G. F. Moore). It is a preface to a new oppression, and in its present form is extremely complicated. How much of it is Deuteronomic and how much belongs to an earlier writer (there are affinities with Joshua xxiv and 1 Sam. vii, xii) it is difficult to determine. It has references which as they stand are out of place, and allusions which it is impossible to trace in the immediately following story of Jephthah. The affinities with 1 Sam. vii are, in their turn, interesting, inasmuch

¹ Besides, Judges xiii. 5 b is probably a gloss.

as this chapter describes an overwhelming defeat of the Philistines which, on historical and literary grounds, has been rejected. Certainly, as regards the literary analysis, this abruptly introduced chapter (vii) finds no place in the older account of the history of Israel, but it is exceedingly improbable that it is wholly an invention. It seems to be a later story of the conclusion of the great oppression which Judges x. 6-18 introduces, and ascribes to Samuel, the theocratic ruler, what the older history ascribed to Saul. The narrative may or may not be based upon one of Saul's battles, but that it is deliberately intended to ignore Saul seems almost certain¹. Even as the earlier Introduction to the Philistine and Ammonite oppression in Judges x. 6-18 finds its conclusion in Saul, so we may believe that the later hand who has worked upon it intended it to introduce his readers to that period of history which concluded with Samuel's victory at Eben-ezer. The later and the earlier redactions of the Introduction imply later and earlier narratives respectively. Apart from the literary affinities between the two which have been noticed by the commentators, it may be added that when mention is made of the "eighteen years'" oppression (Judges x. 8) one thinks of the "twenty years" that all the house of Israel lamented (?) after Yahweh (1 Sam. vii. 2), and when the climax is reached and the Introduction relates that the Israelites were assembled and encamped at Mizpah, one is at once reminded of Samuel's summons, "Gather all Israel to Mizpah" (1 Sam. vii. 5).

As regards the Ammonite oppression, it is tempting to suppose that Jephthah's defeat of the Ammonites was the occasion for Nahash's subsequent revenge. Jephthah was made chief of all the inhabitants of Gilead—possibly at Jabesh²—and that the children of Ammon meditated vengeance at the first opportunity is only to be expected. As regards the Philistine oppression, we note the interesting statement (Judges x. 8) that some foe crushed "all the Israelites who were across the Jordan in the land of the Amorites who were in Gilead." This can scarcely apply to the Ammonites who, curiously enough, are said to have made war on the west of the Jordan (contrast the position in Judges xi); but it is precisely the plight of the Israelites when Saul prepared to drive out the Philistines (1 Sam. xiii. 7). The words appear to be a trace of the oldest account which has been postulated in 1 Sam. xiii-xiv. Next, the penitent cry of the Israelites (Judges x. 10) and Yahweh's refusal to hear them culminates in fresh signs of

¹ Observe how even in 1 Sam. xiv we hear more of Jonathan than of Saul.

² Instead of כל ישרי גלעד, was it originally יבש גלעד (x. 18, xi. 8)? Cp. for a somewhat similar emendation 1 Kings xvii. 1.

penitence, "then they put away the foreign gods from among them, and served Yahweh, and he could bear the misery of Israel no longer" (vers. 13-16). The immediate sequel of this is wanting, but, as Moore remarks, it must have been followed by the raising up of the deliverer. Obviously we have a deliverer in Jephthah, but his is a local story; Gilead's misfortunes would scarcely account for the penitence of the people of Israel. But when we turn to the history of Saul it is impossible not to be struck by Yahweh's words to Samuel: "He shall save my people from the hand of the Philistines: for I have seen the affliction of my people, for their cry is come unto me" (1 Sam. ix. 16)¹. Many obscure points still remain, but if the attempt is to be made to discover the background to this Introduction it may perhaps be enough to indicate what seems to have been the true sequence. One may not hope to recover all the threads of the original story; only here and there may an occasional hint be gleaned from the narrative.

The composite character of the stories of Gideon, Abimelech, and Jephthah would indicate that the work of criticism has not ceased when we recover what is supposed to have been the earlier form of the Saul-narratives. Three stages appear to be required, and only two at present have been considered. Now (1) in seeking for the *raison d'être* of the elaborate religious Introduction (Judges x), which is quite inapplicable to the story of Jephthah, it is held that we have here a preface to the period closing with 1 Sam. vii. Both, in their present form, are late, and the latter is unhistorical. (2) The late redaction of Judges x, taken with the late account of the overthrow of the Philistines in 1 Sam. vii, suggests that the Introduction in an earlier form is the prelude to some older and more historical narrative, and it is argued that the latter can only be the story of Saul. Lastly (3), at a still earlier date we may assume that the religious element was wanting, or at least less pronounced. One may compare the old story of Gideon with its additions (e.g. Judges vi. 25 sqq.), and to the twofold narratives of the exploits of Gideon and Jephthah we may find a parallel in Saul's victory (a) over Ammon, and (b) over the Philistines. The fact that Saul's successes led to the establishment of a monarchy will explain the repeated redaction which the original account of this important event has received, and will make it intelligible why in the second stage the figure of Samuel begins to attain prominence. It is suspected that Samuel once found no place in the story of Saul's rise, and this appears fairly obvious in the case of 1 Sam. xi. It is singular that in the account of the Midianite op-

¹ With the statement that the people were in straits (Judges x. 9) cp. 1 Sam. xiii. 6.

pression (Judges vi. 7b-10), a prophet suddenly springs up from nowhere to call the people to remember the great deeds which Yahweh did for them; denunciation and subsequent penitence are wanting, and the man of God disappears as suddenly as he came. Such a passage may once have stood in Judges x, since at some point in the development of the narrative a Samuel would certainly have been introduced to the reader. With the subsequent dislocation and redaction the figure was removed; but it is perhaps correct to believe that in the process the opportunity was taken to use his words, with necessary modification, in the opening part of the story of Gideon. The growth of the tradition between the stages is apparent from the chapters which now intervene between the Introduction and the life of Saul. Theory divided the history of Israel into a series of epoch-making ages, and at each epoch (e.g. the exodus, conquest, the era of the Judges, the monarchy), the narratives betray a strong theological colouring representing the successive steps in the development of national tradition and religious thought. So the figure of Samuel increases in grandeur until he overtops Saul, and becomes, through Yahweh, practically the founder of the monarchy. Saul is no longer the "judge" who established his might by force of arms or earned the submission of a people by warlike success; the idea of a monarchy is resented, the priesthood typified by Samuel are opposed to the innovation, and Saul, if he is a monarch, is second to this high-priest. As for the narratives which have found a place between the dates represented by the ultimate and penultimate stage, it will be recognized that the story of a Samson, even if he lived at the age of the Judges, has no literary connexion with its present context. The appendix to the Judges appears to belong to a cycle with which the story of Eli and the ark is associated, and, it will be argued subsequently, does not belong to this period. Finally, with the life of Eli is interwoven the story of the youth of Samuel, and here it will be enough for the present to quote Prof. Kent's words (*Israel's Historical and Biographical Narratives*, p. 51):—

"Tradition rarely begins with the childhood of the heroes. Jacob, Moses, and Samuel are the conspicuous Old Testament exceptions. Furthermore, stories regarding the childhood of a great man in antiquity were not appreciated, and therefore not recounted until long after he had ceased to live. In their origin they are, therefore, usually much later than those which record his life-work."

The rest of the history of Saul, as we have already observed, generally presents him in an unfavourable light. From xvi onwards it is the aim of tradition to exalt and magnify David's bravery and nobility, and to depreciate the character of Saul. The literary

analysis is admitted to be exceedingly complicated, and illustrates the gradual growth of the stories which subsequent generations loved to tell of the first great king over all Israel. But in spite of their complexity it is not easy to ignore the belief that, so far as Saul is concerned, the narratives offer popular stories rather than plain history. How utterly we are at the mercy of the writers whose only care was to preserve what interested *them* is evident from the lacunae, the puzzling gaps which the Books of Samuel do not allow us to fill up. The mysterious destruction of Shiloh, and the remarkable appearance of the priestly families at Nob, and of the guild of prophets at Naioth, are problems that evade solution unless more rigorous criticism be applied. The casual allusion to Saul's dealings with the Gibeonites (2 Sam. xxi. 2) remains one of the many puzzles of early Hebrew history, although if Nob be a corruption of Gibeon¹ the ground is partly cleared. If commentators have not failed to refer to Joshua ix, may one not go a step further, and call to mind the suggestion that Joshua's southern campaign has for its historical basis Saul's defeat of the Philistines? Now this campaign is so closely associated with Joshua's covenant with the men of Gibeon that it is perhaps not too hazardous to conjecture that Saul's great victory was, in like manner, brought into connexion with the Gibeonites. I merely note the coincidence, and would emphasize one important difference between the two narratives. Saul, according to 2 Sam. xxi. 2, had shed blood, and had thereby incurred blood-revenge; whereas Joshua delivered the men out of the hand of the children of Israel (Joshua ix. 26), which is a clear sign that this narrative could have told us more of the hostility of Israel had later editors left it intact. Again, it is perhaps only a coincidence, but the conclusion of Joshua's great fight with the *five* kings of the south², and their slaughter, at once recalls Saul's defeat of the Amalekites and the sacrificial slaying of Agag. 1 Sam. xv is one of the most obscure narratives in the whole of Saul's life, and, as H. P. Smith has shown, "the character and position of Samuel as here portrayed agree closely with his picture as drawn in the life of Samuel, chapters vii, viii, and xii." How far it is historical is extremely uncertain; it can scarcely be rejected entirely; and the analogy of ch. vii alone is sufficient to warrant the conviction that a certain amount of truth underlies it. In both some historical incident has been worked up to serve a specified purpose. There is scarcely room for a defeat of the Amalekites so soon before David's victory, and they are unfortunately just the people whom it is difficult

¹ *Encyc. Bib.*, col. 3430.

² We may bear in mind the *five* tyrants of the Philistines.

to fix, owing to the conflicting statements in the Old Testament. The story is not wholly unfavourable to Saul. He is represented as the Lord's anointed, commissioned to take vengeance upon Amalek. The scene of the campaign agrees with 1 Sam. xxvii. 8, the motive with David's victory in xxx. 26, and the consideration which Saul shows for the Kenites is quite in harmony with the character of a king who built altars to Yahweh, and whose son Jonathan bears a name which gives expression to his religious belief. The narrator represents Samuel as a more autocratic being than even Elijah or Elisha, and, in view of the relative lateness of the chapter, the statement that Saul appears to be king over Judah need not be taken as correct. The age of Elisha is the one conspicuous early period where the prophets could make and unmake kings; and it does not seem far-fetched to suppose that among the prophetic guilds which flourished at that time there were many who believed that their political power extended back to the days of the first king of Israel. And this being so, the allusion to the Kenites (xv. 6) may not be quite meaningless: for if Jehu was indebted to Elisha, he was no less under the influence of Jehonadab the Rechabite; and if 1 Chron. ii. 55 is to be trusted, the Rechabites were related to the Kenites. More suggestive than this, moreover, is the fact (*loc. cit.*) that these were related to "the families of scribes," whose care it would be to put in writing the traditional history of their land. This highly interesting statement is surely of some importance for the history of the Israelites.

1 Sam. xv and xiii. 8-14 (an episode in the Philistine war) are stories of Saul's rejection, and this may be viewed as a slight support for the connexion (which has been hazarded above) between the slaying of Agag by Saul and of the five South Palestinian kings by Joshua. But the links are so slight that at the most a confusion of traditions in the oral, not in the literary stage, can only be postulated. On the other hand, the reference to Carmel (xv. 12) raises the question whether Samuel (like Elijah and Elisha) may not have been associated here, not with the unimportant town in the neighbourhood of Hebron, but with the more famous mountain not far remote from the closing incidents in Saul's life.

It is to be feared that it is a matter of no little difficulty sometimes to comprehend Saul's position in Gibeah, living as he was in constant danger of invasion by the Philistines. He had war against them all his lifetime (xiv. 52), and ever and again they invaded his territory, once, so the story went, to the manifest advantage of David (xxiii. 27). Retaliatory raids were made, but it is noteworthy that throughout the whole cycle of the Saul-David narratives the scene is placed in Judah and Benjamin. In connexion with this, it is to be noticed

that as the narratives proceed, Saul and David drift further and further apart, until finally in 1 Sam. xxx we have a selection from an independent story of David, whilst xxviii. 3-25, xxxi give us an equally independent story of Saul. It is here that we find David gradually strengthening his position among the elders south of Hebron, whilst Saul appears to be quite naturally located in the plain of Jezreel. Read in the light of the narratives which precede, we are to understand that on this occasion, when Saul fights his last fight against the Philistines, the king leaves Gibeah for Gilboa, and the five tyrants march northwards from their cities in order to encamp at Jezreel. Must it not be admitted that the narratives as they stand present a new difficulty? We may read between the lines, and we may assume that Saul had moved to a fresh capital; in fact, half a dozen conjectures or assumptions could be made. The historians seem to find no difficulty in the sudden shifting of the scene, or if they find it, it is ignored. Now, in the previous section reference was made to the results of Budde's investigations on the literary character of the closing chapters in 1 Samuel¹. According to this scholar, xxvii, xxviii. 1, 2, xxix-xxxi are Judæan; in David's life as an outlaw, apart from a few Ephraimite passages, the Judæan element predominates, whilst in the history of David at the court of Saul the source is almost wholly Ephraimite. These results sufficiently indicate in a general way the character of the chapters as a whole. The oldest source appears most distinctly at the close of 1 Samuel, where, as we have just seen, the lives of David and Saul are presented separately. To this same source Budde (it will be noticed) ascribes also xxvii and xxix, and it is precisely the latter chapter which links together the two lives. But however closely ch. xxix may be proved to be connected with its context, it is none the less embarrassing, and introduces a fresh difficulty. It is strange that David's presence was not discovered until the Philistines reached Aphek; and although David has been living under the care of Achish for some time, it only now occurs to them that this is the renowned hero of Saul's previous triumphs. The Philistine confederation was too united for us to assume that the four lords were ignorant that the fifth had had the renowned David as a vassal living at Ziklag; and if the Philistine army was large enough to inflict a crushing defeat upon Saul, and to occupy the Israelite cities, David and his six hundred men (xxx. 10) would scarcely be sufficient to turn the tide in favour of Israel.

It would certainly seem that the separate stories of Saul and David stand on a different footing, and are more trustworthy compared with those wherein their fortunes are mingled with one another

¹ *J. Q. R.*, XVII, p. 787 sq.

or with that great forerunner of the prophetic guilds—Samuel. A similar conclusion seemed to be reached from our study of 2 Samuel, where those narratives which presupposed an intimate relation between David and Saul's house did not appear to be from the same source as the other records of David's life. One is inclined to assume that we have a cycle of local traditions centring around Bethlehem and Benjamin. Comparative history affords many parallels.

But here we must take leave of Saul for the present. If the criticism has been destructive, it has at least brought into prominence the heroic and devout figure whose achievements move us more deeply than the pettiness of character¹ which looms so large through many of the apparently less authentic narratives. If we can but dimly grasp the personality of this king, we cannot, at all events, feel sufficiently grateful that the triumphant ode from the Book of Jashar has been preserved to tell us how his memory was cherished. And if a few scattered indications have been correctly interpreted, it is no slight gain to believe that Saul became the "Joshua" of the northern Hebrews (Joshua x), even as we may suspect that David was the "Joshua" of the southern (Joshua xi).

We cannot too strongly emphasize the fact that we have only what the historians, or rather, the editors, have chosen to give us. It is only by a comparative study of one king with the other, or by the welcome discovery of independent evidence, that we can comprehend the greatness of an Omri or a Jeroboam II. We know too well how apt history is to sum up the character and reign of past monarchs in a single epithet; we know also how later ages are wont to ascribe to treasured heroes of the past the legends and traditions that have grown up since their death. Allowance has to be made in two directions therefore; and as a "bloody" Queen Mary suffers in comparison with a "good" Queen Bess, so may we not feel that the Old Testament narratives, with their obvious interest for the ideal king David and for Samuel, the prototype of prophetic power, have left little room for Saul to play his part? In this early period with which we are dealing, the *quality* of the material must always be the first object of criticism. But the *quantity* must also be carefully observed; and, on reflection, it may perhaps appear extremely remarkable that we should ever possess so full and varied an account of the times of Samuel and David, whereas for the history of the kingdoms of Israel and Judah our sources are relatively meagre, and,

¹ That this weakness and lack of virility in the Saul-David narratives has some foundation may, however, follow from a consideration of the strain of weakness which marked Saul's descendants. Neither Ishbaal nor Meribaal is represented as a sturdy or even as a pleasing figure.

with only a few brilliant exceptions, are treated from one and the same religious point of view. Of the exceptions, the most notable are the narratives relating to Solomon, and those which are woven around Elijah and Elisha. It is perhaps only a coincidence that these are associated respectively with the ideal monarchy and with the predominance of the prophets, and thus suggest the names of David and Samuel. This leads to the study of Samuel's life, and a comparison with Elijah and Elisha; and the question will arise whether the situations represented in even the older stories of Samuel naturally belong to the period covered by the close of the Judges and the institution of a Monarchy.

STANLEY A. COOK.

(To be continued.)

GENIZAH-RESPONSUM XXVI IN J. Q. R., JANUAR, 1905.

DASS Inhalt und Diction dieses Responsum seinen gaonäischen Ursprung unwahrscheinlich machen, dass wegen der Erwähnung des R. Nathan ben Jehiel, des Verfassers des Aruch, dieses Responsum frühestens aus dem xi. Jahrhundert stammen kann, bemerkt mit Recht Prof. Ginzberg. Nur meint er, bestärkt durch die Thatsache, dass das im Namen R. Nathan ben Jehiels Citierte sich im Aruch nicht vorfindet, **יחיאל** sei Verschreibung für **חנניה**, es wäre hier also der von R. Natronai Gaon und R. Zemah Gaon erwähnte **ר' נתן בן חנניה** gemeint. Ich glaube nun den Ursprung dieses Responsums mit einem hohen Grad von Wahrscheinlichkeit nachweisen zu können, woraus einerseits die Vermuthung Ginzbergs eine Bestätigung finden, andererseits aber sich die Unanfechtbarkeit der Lesart **יחיאל** ergeben wird. Zuerst wollen wir aber das Responsum selbst näher betrachten.

Die erste Zeile enthält die kurze Anfrage nach der Zahl der Buchstaben im Dekalog und die kurze Antwort darauf: **שש מאות ועשרים**. Damit wäre die Frage erledigt. Es ist nun sehr auffallend, dass ohne jeden Übergang, als ob sie eine directe Fortsetzung wäre, die lange, nicht recht zur Sache gehörende, Auseinandersetzung über die Dimensionen der Gesetzestafeln und der Rolle in der Vision Zacharias angeknüpft wird. Man hat die Empfindung, dass der Text hier nicht ganz in Ordnung ist. Eine Einleitung zu dieser Ausführung scheint vorhanden gewesen, aber später ausgelassen worden zu sein. Das erhellt auch aus S. 280, Z. 8: **וזהו שאמרנו כי העולם כלי קטן והוא מחזיק כלי גדול**, es wird also auf einen früheren Ausspruch dieses Wortlautes oder wenigstens dieses Inhaltes verwiesen. Ein solcher Ausspruch findet sich aber in der bisherigen Ausführung nicht. Es fehlt in dem uns vorliegenden Text nicht bloss der Schluss der Ausführung, sondern auch ihr Anfang. Diesen bildete die erwähnte, zum Inhalte vorzüglich passende Einleitung, des Wortlautes oder des Inhaltes: **העולם כלי קטן ומחזיק כלי גדול**.

Auffallend ist es ferner, dass während das Sprachcolorit der ganzen Ausführung auf ein spätes Zeitalter hinweist, die Art der Beantwortung, mit kurzen Schlagworten, diejenige der frühesten Gaonenzeit ist. Wie passt zu einer längeren Auseinandersetzung im Stile des xi. oder xii. Jahrhunderts der Satz: **ושש' כמה אותיות הם בעשר הדברות שש מאות ועשרים**, der für ein Responsum R. Jehudai Gaons gehalten werden kann?

Nach der Berechnung der Anzahl der *אצבעות* der Länge und der Breite der *לוחות* würde man von einem Gaon oder auch von einem Lehrer des xi. Jahrhunderts die kurze Angabe erwarten: *כ"ח פעמים*. ק"לו הרי שלשת אלפים ושמונה מאות ושמונה אצבעות. Statt dessen folgt in Zeile 12 mit der *Einleitung*: *ראה והבין*, eine volle sechs Zeilen füllende, detaillirte, für einen A B C-Schützen berechnete, unbeholfene Ausrechnung der Gesamtzahl der *אצבעות* einer Gesetzestafel. Ebenso würde ein Gaon oder Autor des xi. Jahrhunderts die 15232 *אצבעות* mit der kurzen Formel in *זרתות* umrechnen: *י"ב אצבעות*. *לזרת, נמצאת התורה אלף ור"סט זרתות ושלש זרת*. Dafür bietet das Responsum eine Rechnung von der gekennzeichneten Art in nicht weniger als *zwölf* Zeilen (279²²–280⁶), ebenfalls mit einer *Einleitung*: *ידע המחשב*. Zwar kommen auch sonst detaillirte Ausrechnungen vor, hier sind sie absolut überflüssig und unbeholfen wie sonst nirgends.

Diese höchst auffallenden Erscheinungen drängen zu dem Schlusse, dass in diesem Responsum uns nicht ein einheitliches Ganzes vorliegt. Es besteht nach meiner Ansicht aus drei Theilen, die verschiedenen Verfassern und verschiedenen Zeiten angehören.

Den *ersten* Theil bildet das kurze Responsum: *ושש' כמה אותיות הם*. *בעשר הדברות שש מאות ועשרים*. Dieser Theil ist der älteste, er kann auch der frühesten gaonäischen Zeit angehören, aus der uns solche kurze Responsen bekannt sind.

Der *zweite* Theil besteht aus der langen Auseinandersetzung mit Ausschluss der Stellen von *ראה והבין* (279¹²)—*ושמונה* (279¹⁸) und von *ידע המחשב* (279²¹)—*זרת*—(280⁴). Dazu kommt eine *Einleitung* mit dem Wortlaute oder dem Inhalte der Sentenz: *העולם כלי קטן ומחזיק כלי גדול*. Wegen der *Ähnlichkeit* des Inhaltes dieser Auseinandersetzung mit dem des alten gaonäischen Responsums wurde sie mit diesem vereinigt, um dem Ganzen die Autorität des hohen Alters zu verleihen. Damit eine gewisse Einheitlichkeit erzielt werde, wurde die *Einleitung* weggelassen und die Ausführung mit dem Ausdruck *וכמה* als directe Fortsetzung an die Angabe über die Buchstabenzahl des Dekalogs gefügt.

Der *dritte* Theil besteht aus den zwei gen. ausführlichen Ausrechnungen, die schon durch die *Einleitungen* *ראה והבין* und *ידע המחשב* *mitten in der Rechnung* sich als später in den Text eingedrungene Glossen oder directe Zusätze eines Lesers oder Schreibers qualificieren.

Die beregten Schwierigkeiten dieses Responsums und seine Uneinheitlichkeit habe ich schon bei der ersten Lecture desselben empfunden. Die hier gegebene Gliederung des Textes verdanke ich einem glücklichen Funde. Die ganze Abhandlung über die Dimensionen der Gesetzestafeln nach Ausscheidung des i. und iii. Theiles, aber *mit der*

von mir supponierten *Einleitung*, fand ich nämlich in dem R. Moses ha-Darschan zugeschriebenen, jedenfalls aus seiner Schule stammenden *Bereschith rabbathi* (Abschrift des Ms. Prag¹ im Besitze des Herrn A. Epstein). In demselben Zusammenhange findet sich auch dort die Ausrechnung der Grösse der Zachariasrolle, nur gekürzt, und der im Responsum fehlende, zur ganzen Abhandlung vorzüglich passende Schluss. Zur besseren Übersicht lasse ich hier beide Ausführungen neben einander folgen.

GENIZAH-RESPONSUM XXVI.

ושש' כמה אותיות הם בעשר הדברות שש
מאות ועשרים וכמה שורות היה בלוח עשר
שורות כשתחלק שש מאות ועשרים לעשר שורות
נמצאת השורה ששים ושתים אותיות והאות
כמלוא אצבע ובין אות לאות כמלוא אות שהוא
כמלוא אצבע נמצאת השורה בין כתב ובין רווח
מאה ועשרים וארבע אצבעות וארבע אצבעות
מלמעלה וארבע אצבעות מלמטה וארבע אצבעות
מקום אחיזה הרי שתיים עשרה אצבעות הוסף
אותם על מאה ועשרים וארבע נמצאו כל
האצבעות באורך השורה כתב ורווח שלמעלה
ושלמטה ושל אחיזה מאה ושלשים ושש אצבעות
סימן קל"ז זה פירטם אורך הלוחות אפרנס הרוחב
שללוח כמה שללוח כמה שורות היו בלוח עשר
ובין שורה לשורה כמלוא שורה הרי ז' שורות
וארבע אצבעות מפי הרי עשרים ושמונה אצבעות
ברוחב הלוח (ראה והבין יש לך בלוח עשרים
ושמונה שורות כתב ורווח ואצבעות שבפה
ושבפה שהן עשרים ושמונה אצבעות ברוחב
הלוח ובאורך שורות הלוח קל"ז עשרים [ושמונה]
פעמים מאה עושין [עשרים ו]שמונה מאות

BERESCHITH RABBATHI

(S. 44, 45).

גדולים מעשי הב"ה. בשר
ודם אינו יכול להניח דבר גדול
בתוך דבר קטן ממנו, אבל הב"ה
הניח דבר גדול בתוך קטן ממנו.
בוא וראה שיעורן של לוחות, שש
עאות ומשרים אמה (אותיות 1).
חקקים בלוחות וכל אות ואות מלא
אצבעו של הב"ה, ובין אות ואות
מלא אצבעו של הב"ה. ל' שורות
היו כתובות ובל שורה ושורה מן
ס"ב או תיות ובין שורה ושורה
כמלוא שורה ריוח, האותיות לאורך
הלוחות הין כתובות והשורות
לרוחב הלוחות וד' אצבעות ריוח
מכאן וריוח לאורך הלוחות וארבע
אצבעות ריוח מלמעלה וארבע
אצבעות ריוח מלמטה, וארבע
אצבעות מקום אחיזה ידו של הב"ה
לאורך הלוחות, נמצא אורך הלוחות
קל"ז אצבעות. ברוחב יש בו עשר
שורות ובין שורה ושורה כמלוא

¹ Diese Handschrift scheint sehr gekürzt zu sein, da mehrere in Martinis Pugio Fidei gebrachten Stellen in ihr nicht stehen.

שורה, וכל שורה ושורה כמלוא
 אצבעו [של הב"ה], וארבע אצבעות
 ריוח [מלמעלה וארבע אצבעות
 ריוח מלמטה], הרי ח' אצבעות,
 ונמצא רוחב הלוחות כ"ח אצבעות
 ואורך הלוחות ק"לו אצבעות באורך
 על רוחב כ"ח, נמצא אצבעות
 שבלוח אחד עולות [ג'] אלפים
 ושמונה מאות ושמונה אצבעות.
 נמצא מקום האותיות שבשני
 הלוחות שבעת אלפים ושש מאות
 ושש עשרה אצבעות, והאצבעות
 מתחלקות י"ב לזרת, נמצא ההוא
 (?) היה כתב וריוח שבפנים ואחור
 כדכתיב כתובים משני עבריהם
 (Exod. xxxii. 15) נמצאו ט"ו אלף
 ומאתים ושלשים ושנים אצבעות
 שהם אלף ומאתים וששים ותשעה
 זרתות ושליש זרת, והזרת מלוא
 כל העולם שנאמר ושמים בזרת
 תכן (Jes. xl. 12) פרשת את הלוחות
 צא ופרש את התורה. ויאמר
 אלי מה אתה ראה ואומר אני ראה
 מגילה עפה ארכה עשרים באמה
 ורחבה עשר באמה (Zach. v. 2) כי
 פשטת לה כמה הויה ארבעין
 (עשרין 1.) בעשרין וכתיב והיא
 כתובה פנים ואחור כי קלשת לה
 כמה הויה ארבעין בעשרין עשה מן
 האמות זרתות, שתי זרתות לאמה
 נמצאה התורה כולה שלשת אלפים
 ומאתים זרתות וזרת מלוא העולם
 כד"א ושמים בזרת תכן, נמצא כל

שלשה פעמים שלשים וששה הנשאר תן שלשים
 מהן על שבעים וששה מאה הוסף אותם על תשע
 מאות הרי אלף תנם לאלף על אלפים הרי
 שלשת אלפים נשארו שמונה מאות ושמונה הרי
 יש לך כל שורות הלוח אורך ורוחב הכתב
 וריוח ואצבעות שלארבע צדדים ומקום אחיזה
 שלשה אלפים ושמונה מאות ושמונה אצבעות
 סימן גף תחת וכתיבת הלוח נקראת בלוח משני
 צדדיו הרי [בפ'] ששת אלפים תחת תחת תחת
 תחת (ידע המחשב כי שנים עשר אצבעות עושות
 זרת וי"ב אלף אצבעות עושות אלף זרתות נשארו
 לך ז' פעמים תחת חשבם יחד עושים שלשת
 אלפים ומאתים ושלשים ושנים חלק לשלשה
 אלפים למאות ויש לך שלשים ומאתים מאות
 אצבעות ושלשים ושנים הוציא מהם עשרים וארבע
 מאות אצבעות על מאתים זרתות נשארו שמונה
 מאות ושלשים ושתים אצבעות חלקם לאילו
 שמונה לחמשים חמשים הרי שש עשרה פעמים
 חמשים צא מהם י"ב פעמים חמשים לחמשים
 זרתות הרי מאתים וחמשים נשארו לך ארבעה
 פעמים חמשים הרי מאתים ושלשים ושתים
 אצבעות הוצא מהן מאה ועשרים אצבעות על
 עשר זרתות הרי מאתים ושלשים נשארו מאה
 ושתים עשרה אצבעות הוצא מהן תשעים
 וארבע (ושש 1.) אצבעות לשמונה זרתות הרי
 מאתים וששים ושמונה נשארו שש עשרה
 אצבעות הוצא מהן י"ב אצבעות שהן שלוש זרת)
 וזהו שאמרנו כי העולם כלי קטן והוא מחזיק כלי
 גדול שהרי נמצאת התורה אלף ומאתים וששים
 ותשע זרתות ושלש זרת בשל הקבה והעולם
 נמצא זרת אחת בשל הקבה שנא' ושמים בזרת
 תכן. ופרש שיעור מגילה עפה כת' ויאמר אלי
 מה אתה רואה ואומר מגילה עפה ארכה עשרים

באמה ורחב עשר באמה כך פירש רבינו הגאון ר' נתן בן וחיאל זקל כי מפתחו של היכל הכין מדתה כי שם היתה המגילה פשוטה שהיה ארכה עשרים ועשר אמות רוחב לפיכך אמ' ארכה עשרים ורוחב עשר באמה והיא עפה כפולה מלשון וכסף תועפות לך שהוא לשון כפול ותרגם וכפלת ותעוף הילכך כשאתה פושטתה מכפולתה נמצאת עשרים על עשרים וכתוב והיא כתובה פנים ואחור ¹ כשתקלוש אותה ותעמידנה לשני חלקים ותסמוך יריעה ליריעה נמצאת ארבעים בעשרים חלקינה בתברייתא יש לך עשרים רצועות שמונה מאות אמה זה אמה מרובעת בתברייתא יש בה ארבע זרתות וצורתה זו וכיון שיש לך אמה ח' מאות והאמה נסצא ד' זרתות בידך מאות אמה משמונה (והאמה ד' זרתות נתצאו בידך שמונה מאות אמה 1) שלשים ושתים מאות זרת ושלשים ושתים [מאות] זרתות עושין שלשת אלפים ומאתים נמצאת התורה שלשת אלפים ומאתים זרתות וכת' מי מדד בשעלו מים ושמים בזרת תכן נמצא העולם כולו אחד משלשת אלפים ומאתים בתורה

העולם אחד משלשת אלפים ומאתים בשיעור התורה. נמצא שיעור הלוחות וספר התורה ארבעת אלפים וארבע מאות וששים ותשעה זרתות ושליש זרת, ואלו מונחים בארון שנא' אין בארון רק שני לוחות אבנים אשר הניח שם בחורב (1 Kings viii. 9) וכתוב לקוח את ספר התורה (Deut. xxxi. 26), ויש אומרים אף שבירי לוחות מונחים בארון, והארון כמה היה ארכו וכמה היה רחבו כמ"ש אמתים וחצי ארכו ואמה וחצי רחבו ואמה וחצי קומתו (Exod. xxv. 10). לכך נאמר מי ימלל גבורות ה' (Ps. cvi. 2) אלו הלוחות, ישמיע כל תהלתו (ibid.) זה ספר תורה.

Die Vergleichung dieser beiden Abhandlungen ergibt nun folgendes: (1) Der *Inhalt* der Ausführung über die Grösse der Gesetzestafeln ist im *Responsum* und in *Bereschith rabbathi* vollkommen derselbe. Auch die *Reihenfolge* der einzelnen *Ausrechnungen* ist zum Theil dieselbe, Länge, Breite, die eine Tafel. (2) Die *Einleitung*, auf die in *Responsum* verwiesen wird, die aber darin *nicht vorkommt*, steht im *Bereschith rabbathi*. (3) Im *Responsum* und in *Bereschith rabbathi* folgt auf die Ausführung über die *Gesetzestafeln* die *Agada* über die Zachariasrolle aus Erubin 21 a. (4) Die *Verbindung* der zwei *Ausrechnungen*

¹ Das setzt die Lesart קלשה voraus, die auch *Ber. rabbathi* hatte. Aber auch Jalkut Ms. und En-Jakob, ed. pr., lasen so (s. V. L., z. Stelle). Die Jalkutausgaben haben Ez. § 378 קלפה. Ms. M.: קלשה, Verschreibung aus קלשה.

geschieht in *beiden Quellen* durch *denselben Ausdruck*: פֶּרֶשׁ. (5) Das *Responsum* ist, wie die Punkte anzeigen, fragmentarisch. Es fehlt höchstwahrscheinlich ein passender Schluss zu den beiden Ausführungen. Ein solcher vorzüglich passender Schluss findet sich aber in *Bereschith rabbathi*.

Über den engen Zusammenhang zwischen unserem *Responsum* und der Abhandlung in *Bereschith rabbathi* kann demnach kein Zweifel bestehn. *Genizah-Responsum XXVI* ist also entweder direct von *Bereschith rabbathi* abhängig, oder, was wahrscheinlicher ist, es stammt aus einer und derselben Schule, der des R. Moses ha-Darschan aus Narbonne, zu der auch R. Nathan ben Jehiel, der Verfasser des *Aruch* gehört. Folglich stammt das *Responsum* frühestens aus dem xi. Jahrhundert, es kann darin auch nicht der von den Gaonen Natronai und Zemach erwähnte R. Nathan ben *Hanannja* citiert werden, die Lesart יחיאל ist die richtige, gemeint ist der Verfasser des *Aruch*, wo auch eine Spur der im Namen R. Nathan ben Jehiels gebrachten Erklärung sich findet: מְגִילָה עֵפָה תִּרְגֹּם כְּפֹל עֵף (s. v. עף₃).

V. APTOWITZER.

A NOTE ON JEWISH DOCTORS IN ENGLAND IN THE REIGN OF HENRY IV.

THROUGHOUT the Middle Ages the Jews held an honourable record for the study and practice of medicine. Whilst the art of healing was reduced by most Westerns to a mass of superstitions or to a body of traditional lore, the Jews, with the Arabs, devoted themselves to the unravelling of the problems of medical science with singular pertinacity. They were hampered by various prohibitions against the employment of Jewish doctors by Christians, but in practice these prohibitions had no great weight.

Dispensations and *non-obstantes*, licences and permits were scattered profusely until they wholly nullified the prohibitory legislation; nay, the legislators and popes themselves were among the first to set aside their own ordinances and statutes. From the tenth century onwards many courts possessed their Jewish doctors.

Jews had been banished from England more than a hundred years before the accession of Henry IV, during which period few conforming Jews appear to have visited these shores openly. Here and there it is true some converted Jews, hearing of the royal bounty to their class, followed the victorious armies of Edward III and his heroic son, and settled in the *Domus Conversorum*.

It was not until disease had tightened its grip upon Henry IV that we find authentic evidence of Jews re-visiting these shores. A successful combination of the Church and nobility had driven Richard II from the throne. His cousin, Henry of Derby, the leader of the rebellious elements, then received the crown as a reward for his services in restoring the authority of these powerful sections of the nation. But to defend his prize against all comers proved no easy task. Rebellion succeeded rebellion until the labour and anxiety of crushing them had shattered the king's health.

The decline in the king's vigour began as early as 1406, and for seven long years he remained a victim to the ravages of disease. Yet his work was far from being complete. Glendower still roamed about in Wales at the head of armed bands threatening the Marches, nor had that Arch-plotter, Percy, Earl of Northumberland, run his fatal course. The task of securing his kingdom against these internal enemies and their external allies, Scotland and France, overtaxed the king's energies and wore out his strength. His malady now assumed

such a serious character that the skill of his native physicians was totally baffled.

In his younger days, when he was still Henry of Derby, the king had wandered over Europe a good deal. He had visited Italy, had fought under the banner of the Teutonic knights against the Lithuanians, and had entered Wilna with the victorious German army¹. In these wanderings he had come into contact with Jews, and even made purchases of them². It was at this time that the fame of the Jewish doctors must have reached him, for several of them occupied eminent positions at the courts of his contemporaries. I will but mention two or three of the most distinguished.

Don Meier Alguades, the author of *ספר המדות לאריסטו*, a translation of the Arabic version of Aristotle's Ethics, and afterwards Rabbi of the Jews of Castile, was the private doctor of Henry III of Castile, who reigned from 1390-1406. Boniface IX, who wore the tiara from 1389-1404, employed two Jews—Manuela and his son Angelo, to minister to his bodily ailments³. In Germany and Poland the reputation of the Jews in the medical world would be often brought to his knowledge. Upon these half-forgotten memories of his youth the king fell back in his time of need. In 1410 the king's illness had become so serious that foreign aid was necessary. The first of the newcomers was Doctor Elias Sabot the Hebrew, brought specially from Bologna to prescribe for the illustrious patient⁴. Of Sabot's antecedents the official documents unfortunately tell us nothing⁵. My own researches have been no more fruitful in discovering any particulars of his birth or education. Nor is our knowledge of his subsequent history more extensive. The description of him in the safe-conduct permitting him to enter England terms him "doctorem in artibus medicinarum." His retinue included ten servants with their horses and harness⁶. Does this indicate that our medico travelled with a private *minyan*, knowing that in far-off Britain

¹ *Derby Accounts* (Camden Soc.), xix, xxx, cvi; Wylie, *England under Henry IV.*

² "Super officio pulleterei per manus Iacob Iudei pro xxviii caponibus xxxi gallinis per ipsum emptis, ibidem pro providenciis viii duc. 54 s.," *Derby Accounts*.

³ Mandosio: *Degli archiati Pontifici*, I, 107, 111. "Angelo di Manuele, Giudeo del Rione di Trastevere, al primo di Luglio 1392 ottenne di essere annoverato tra famigliari e medici del papa e della santa sede."

⁴ Ramsay, *Lancaster and York*, I, 123 n. 7; Wylie, III, 231 n. 5.

⁵ Muratori, *Rerum Italicarum Scriptores*, XXIV, 993, mentions a Dr. Elias who may possibly be identical with Sabot. If so, he had a stormy career before his appearance in England.

⁶ Rymer, VIII, 667.

that "alter orbis," he would find no Jews, and it would be impossible to obtain the number of adult males requisite for public worship? Perhaps it was this that prompted the Rev. M. Adler in his paper on the *Domus Conversorum* to assert that Dr. Sabot remained staunch to his ancestral faith—though Mr. Adler furnishes no reasons for his conjecture¹. The royal protection was extended to Sabot and his retinue for two years with permission to practise his art unmolested in any part of the kingdom, provided that they always showed their safe-conduct before entering any town, fortress, or camp of the king.

The king's health under Dr. Sabot's ministrations had not improved, he could scarcely take part in public business, hence, in the words of Dr. Wylie, "he followed the prevailing fashion and called in the services of an Italian Jew, Dr. David di Nigarelli of Lucca who remained in this country until his death in 1412."

Before proceeding to give a detailed account of Nigarellis I would point out that none of the documents in which he is mentioned contains the slightest hint of his racial origin. But the learned historian whom I have just quoted assigns him to the Jewish race upon the grounds of his name, his place of origin, the undisputed pre-eminence of Jewish doctors, and the prevailing fashion of the time upon which I commented in my opening remarks.

I have endeavoured to track Nigarellis to his lair and establish his identity beyond the possibilities of doubt, but many weary hours spent in the British Museum and Record Office failed to reveal anything more than is contained in these notes.

From the first document extant relating to him, tested by the king on Feb. 2, 1412², some thirteen months before his death, we learn that the king has granted to David de Nigarellis "*ffisicus penes nos*," the sum of eighty marks per annum for his services, secured upon certain lands administered by Walter Beauchamp on behalf of John de Beyton, a minor, who held "*in capite*" from the king. This amount should be paid in two instalments at Easter and Michaelmas. This information is duplicated by a "closed letter" of the following April, addressed to Walter Beauchamp ordering him to make the payments granted by the king from the lands which Beauchamp administered³. A side note on the patent-roll records the death of David and the surrender of the lands by his executors, though no date of the event is given. The services rendered by the king's new doctor must have been efficacious in affording some relief from his sufferings, if we may judge by the

¹ *Trans. Jew. Hist. Soc.*, IV, 36.

² *Pat. Rolls*, 13 Henry IV, p. i. m. 10.

³ *Close Rolls*, 13 Henry IV, m. 22.

ample rewards showered upon his medical adviser. Within sixteen days of the grants referred to in the previous documents the king issued letters of naturalization to Nigarellis whereby he was henceforth to be treated as a native, to have the right of receiving, obtaining, giving, granting, alienating, enjoying and inheriting any lands, tenements, revenues, advowsons, services, reversions, and other possessions whatsoever¹. The said David might plead in any court in all matters affecting realty as well as personalty, always providing that he pays scot and lot, taxes, tallages, customs, subsidies and all other dues paid by the king's lieges. This was a comprehensive grant, and if I am right in claiming the doctor as a Jew we have here the first grant of naturalization to a Jew within the British Isles. The patent just summarized was preceded by an order in French, under the privy seal, addressed to the Chancellor, Thomas Arundel, Archbishop of Canterbury, who entered upon his fifth term of office about a month before Nigarellis came to this country (Jan. 5, 1412)². The two documents are identical in date and in subject-matter, though the privy seal must have, as I stated, preceded the patent—the latter being a Latin version entered upon the public records and the date copied from the mandate addressed to the Chancellor.

In addition to the 80 marks per annum which Nigarellis received from his lands he was also made Warden of the Royal Mint. A document has been preserved in the mint accounts of the Exchequer setting out an indenture between the executors of the late Warden, Lodowick Recouche, and Master Davynus de Nigarellis de Luca, "physicus et custos monete regis"³. The document is undated, but I have no hesitation in ascribing it to the early part of 1412. Recouche, whom Nigarellis succeeded, held the office of Warden from 5 Henry IV i.e. from 1403 onwards, but the date of his death is unknown. On the other hand the holders of the office for the last year of Henry's reign are known⁴. Thus far the king's physician.

My third Jewish doctor is connected with the life-story of a less exalted individual than the King of England, but is linked to the fortunes of one whose fame surpasses that of kings. I speak of Sir Richard Whittington, the hero of the well-known nursery tale, and of Alice, his wife.

Into the history of Whittington, or the curious fate that has overtaken his memory, and transferred his activities from the counting-house to the realms of fairy-land and the pantomime I do not propose

¹ *Foedera*, VIII, 725.

² Campbell, *Lives of the Lord Chancellors*, I, 317.

³ *Excheq. K. R. Mint Accounts*, 293.

⁴ Ruding, *Annals of Coinage*, I, 27 and 46.

to enter. Suffice it to say that the Richard of history when he had grown to manhood married Alice, the daughter of Sir Ivo Fitzwarren, who, like her husband, has been a source of amusement to generations of the young. About the year 1409 the lady was seriously ill—in fact so serious was her condition that her husband had recourse to the indispensable Jewish doctor. The king readily granted the necessary permission to import a “destitute alien” and “Maistre Sampson de Mierbeawe judeus” came from the South of France to tend the Lady Alice¹.

The “Mierbeawe” of the MSS. is no doubt Mirabeau. But there are two places of this name situated in the modern departments of Basses Alpes and Vaucluse respectively. The latter is the more considerable, so that probably Master Sampson came from Mirabeau in Vaucluse, since the Jews generally lived in the largest towns. In any case Sampson hailed from a region where Jews abounded in large numbers, and where they were especially distinguished in medical science. The papal dominions in the South of France, Marseilles, Montpellier, Lunel, Carpentras, Vienne, and many other places in that region were centres of Jewish life and learning.

Of Sampson, as of the others, I have found no trace previous or subsequent to his coming to England. The permission granted to him by the king was very comprehensive, and included the privilege of sojourning in London, practising his art throughout the whole realm, by day and night, by land or sea, “as well as by marque of war.” The grant is for one year, and contains the usual commands against interference with Sampson in the exercise of his calling. What the results of Master Sampson’s ministrations were I am unable to say—information on that point is wholly lacking, nor are we able to infer it from other events, since the exact date of the death of the Lady Alice is unknown.

A. WEINER.

¹ *French Rolls*, 11 Henry IV, m. 20; Rice and Besant, *Life of Whittington*.

NOTES ON *J. Q. R.*

I.

NOTE ON GENIZAH FRAGMENT XXVI (July, 1905).

I find that this fragment belongs to the *Amanāt*, ed. Landauer, p. 116, line 7 from bottom to p. 119, line 8. Still the republication is not without value on account of the variations in so small a piece. It is possible that the treatise on *אלשראיע אלממעיה* was originally an independent one, and embodied later on by the author in his larger work. This would, on the whole, confirm Bacher's view of the identity of both works.

H. HIRSCHFELD.

Sept. 20, 1905.

II.

NOTES ON NO. LXVIII OF THE *J. Q. R.*

P. 618, ver. 5 of the poem, for *כלמות* read *פלמוד*.

P. 621, l. 18, for *י"כה* read *י"פה* (= 95).

P. 626, l. 7, for *עבין* read *עוין* (= *عوض*): "verse by verse"; the Targum is given after each verse. L. 6 from below, *פסוק . . . פסוק*, is also to be filled in similarly.

P. 629, l. 8, for *דעור* read *דאור*.

P. 632, l. 12, for *ומגהו* read *ומוגהה*.—Ibid., l. 13, for *למרי ואדרו* read *בה' (= בהיכלו)*.—Ibid., l. 14, for *למר' וארננו* read *בה' (= בהיכלו)*.

P. 633, l. 15, for *ישונו* read *ישראל*.

P. 636, l. 8 from below: *הכהן* cannot in itself be the proper name of the man, as Prof. Gottheil (p. 637, l. 24, cf. p. 614, l. 6) supposes. The name of the man, designated *הכהן*, like his son David (penultimate and last lines), rather lies in the immediately preceding words, *בא בשער*, which are otherwise incomprehensible. In these two words there must lurk a Persian name, just as the ancestral list following contains three Persian names. Perhaps one may suggest the name Babai (*באבאי*), as a Perso-Jewish poet in the seventeenth century was called; *שער* would be a popular etymological reproduction in Hebrew of the name which signifies "gate" in Aramaic.

P. 646, ll. 6 and 9. On the 1st of Tishri, that is, the New Year

Festival, the writer cannot have completed his work. Further, the two words **עֲשֵׂה אֲשֶׁר** before **אֶלְאֻל** remain without any explanation. I conjecture that **ע' א'** is corrupted from **עֲשֵׂה עֲשֵׂה**. Hence the work was finished on the 11th of Tishri; **אֶלְאֻל** means Sunday.

P. 648, l. 16. Here we find a similar strange statement, the date "Rosh Hodesh Tishri," i. e. New Year. I think that for **ר"ח תשרי** we should read **כ"ח תשרי**, the 28th of Tishri, or perhaps **י'רח תשרי**, the month of Tishri; cf. p. 649, l. 6 from below, **בִּירַח סִיּוֹן**.

P. 716, l. 5 (of the Arabic text), for **אלה** read **אללה**.

Ibid., l. 6, for **צלחא**, which Hirschfeld restores into **מסתצלחא**, read **טאלחא**, which is the usual antithesis to **צאלחא**. He finds in **אלעבר** (l. 4) an allusion to Hebrew slaves, Exod. xxi (p. 719, l. 3), in consequence of which he presents a translation which I should amend to: "When man (this is the meaning of **אלעבר**, the servant of God, who is **רבו** his Master) chooses piety, God makes him pious while praising him . . .; and when he chooses wickedness, God makes him wanton and wicked while reproving him."

Ibid., l. 16, for **י[רע]** read **ירעו**. The subject is "the unbelievers." It ought, therefore, not to be translated (p. 719, l. 20): "He maintains."

Ibid., l. 19, for **אל . . . פאל** read **אלכפאר**.

P. 717, l. 1, before **אלתקול** supply **מן**.

Ibid., l. 2, **די נסאק** is corrupted from **וינסאק**. This, together with the two following words (**אזבארנא מצת**), means "and the events of our history that have already occurred are arranged in order" (viz., in Ezek. xx. 28 f.).

Ibid., l. 7, for **לאנכאר** read **אלאנכאר**.

Ibid., l. 11, for **צרו** read **צרה** (**ضِدَّة**). Hence in p. 720, l. 1, we should read "to it" instead of "to me."

P. 722, l. 13. **עללא גוויה** is translated (p. 724, l. 4) by "causes of compensation"; this should be "partial causes." The causes of individual precepts are meant.

Ibid., l. 13. **ואקמעהא** is translated by Hirschfeld (p. 724, l. 5): "viz., those which best subdue man's passions," that is, as a superlative (**واقمعهَا**) from **قامع**. But I should take the word as a continuation of the preceding verb **אתבת** (**أَتَيْتُ**), and should probably read **ואקטעהא**. Saadiah says: "I have the intention of determining these causes and of separating them from one another." Still better would be **ואגמעהא** ("... and to collect them"); as a matter of fact, a series of such confirmations of the biblical precepts then follows.

Ibid. **והכמתה תבארך פוק דלך** means: "and his—God's—wisdom

is exalted thereabove." That is: Saadiah is not so bold as to believe, that, with the grounds he has assumed, he has really found the leading ideas of God in the precepts. He says the same thing, lower down (l. 31), more fully, with a reference to Isa. lv. 9.

P. 722, l. 17. וינאדון פיהא, for "and expound them" (p. 724, l. 10), read "and hold public discourses upon them."

Ibid., l. 21. To the reasons of the prohibition to eat certain beasts, there belong in the first place: לילא ישבה באלנאלק. Here the second word must be corrected to ישבה (i.e. ^{יִשְׁבֶּה}). The meaning is, "that man should not make the beast in question equal to the Creator."—Perhaps ישבה can also be read as passive: ^{יִשְׁבֶּה} ("so that the beast should not become equal to the Creator").

Ibid., l. 25, for אלכלוה read אלכליה.

Ibid., l. 26, for לא read לה. The words באטלאק תוויגהן יטמע לה mean: "for the permission to be able legally to marry them—the nearest blood-relations—allowed the wish to arise in him to cultivate illicit intercourse with them also."

Ibid., l. 29. The words: ולתעז ענדה אלצלוח בער קטעהא—not translated by Hirschfeld, p. 724, l. 28—mean: "and in order that the precept should acquire special worth in his eyes, after he was precluded from it" (in consequence of levitical impurity).

Ibid., for באלתקא read באלתקוא.

P. 723, l. 3. The sentence, which reproduces the opinion of many people about the prophets not being necessary as teachers of moral precepts, seems to be corrupt. I propose for יחתרו to read יהתרו (VIII הר"י) and סב ' ' to be restored thus: לים ב. The sense is then clear: "Men have no need of a prophet; their reason, by virtue of its inherent distinction of the beautiful from the ugly (the good from the bad), is sufficient to afford them guidance."

Ibid., l. 5, for אלא עלם read אלאעלם (^{أَلَا عِلْمٌ}). The translation should be: "If the thing were as they say, then the Creator would be he who knows it best, and he would not have sent any prophets, as he does not do anything that is without sense."

Ibid., l. 9. The gap should be restored thus: טן אל [עקל אן י] חכם.

Ibid., l. 10, for חיאה read היאה.

Ibid., l. 11, for פחדתה read פחדתה (^{فَخَذَّتْ}). The word left untranslated by Hirschfeld (p. 725, l. 3) means: they—the prophets—defined it (the duty of thanks towards God) [and called it prayer].

P. 807, l. 21, for פראים read פראים.

W. BACHER.

Háamor, August, 1905.

III.

NOTES ON GOTTHEIL'S "SOME HEBREW MSS. IN CAIRO."

Vol. XVII, p. 615, l. 4 ff. I think that the name מקדש יה was originally added only to such Bible MSS. as the owner had dedicated as an inalienable holy possession to his family or to a community or to a house of prayer. Hence the expression הקדש, e. g., no. 17 and elsewhere.

P. 618, Hebrew text, l. 5, read בתאגין פלמוד.—וסמיונות צמוד means that ספר זה has attached to it סימנים (accents or signs generally, hence also vowel-signs).

P. 621, l. 17, for י"כה read י"פה.

P. 626, l. 7, for פסוק עבין בפסוק we should perhaps read בפסוק בעין (بعض = בעין). בפסוק, i. e. "one verse after the other" (بعض = בעין).

Ibid., l. 9, for ולא אר read ולא נשאר.

Ibid., l. 13, for [בב]טול (מ)טול read [בב]טול.

Ibid., l. 14, for מעליו בגופו read מעליו בגופו.

P. 628, l. 11, for ויהיו read ויהיו; l. 12, for היגה read הוגה; l. 13, for ובבבת read וכבבת; l. 19, for הנשמח read הנשמה; l. 21, for אלים read אלהים is a frequent usage in MSS.

P. 629, l. 4. . . . ידע צ hardly means some divine name, but is to be explained like ידע קוטינה p. 648, l. 14, ידע being equivalent to מכונה.

P. 632, l. 12, for והוא read והיא, for ומנהו read ומוגה; l. 13, for ויקום מיניתו אשר צוח we should read ואדוני or והדרי; l. 24, for ויקים מצותו אשר צוח read ישמרו, as on p. 628, l. 13; last line, for על read של. The meaning is that the Pentateuch MS. should be placed in the court of his brothers and remain there.

P. 633, l. 10, for לה read לך, and for גנה read אור; l. 12, for ויגור read ויגור; l. 15, for יש' וגו' read יש' וגו'; l. 17, read [ונה] ירושלם; l. 19, for יחליט read יחליף, and for (???) read המבאר. המבארים.

P. 634, l. 1 ff. I am decidedly of the opinion that חצר here means the "court." In the last line of p. 632 a "court" is also spoken of.

P. 635, l. 31, for יהיו ארוכים we should certainly read [ימיו] יהיו ארוכים. The meaning is perhaps that the purchase of the Bible MS. lasted from the year 5126 to the year 5134, which is quite possible, if the payment was made in instalments and the purchase was effected only on the payment of the last instalment.

P. 636, l. 20, for ויתחו read ויחיהו; l. 3 from below, for ותן לך בלבבך read יתן לך בלבבך.

P. 637, l. 1, for ולזרעו read ולזרעו; l. 3, for יחיש read יחיש, and for (התפתח) read התפתחי, whereby the mark of interrogation becomes superfluous. L. 17, for ממחוונו read מממנו; l. 23, the name of the author does not seem to me to be Yaḥyah ben Jacob, but יחיה means "may he live," just as, e. g., p. 628, penultimate line, the abbreviation 'ל' is to be explained as standing for יחי לעולם or יחי לעד. On p. 636, l. 21, the word יהיה, accompanied by an interrogation mark, after יעקב is certainly to be read as יחיה likewise.

P. 640, l. 8, read והשמע יבין והראה ישכיל; l. 18, אתמנא denotes the date, not 444 but 1443, hence, as the Selucidian era was used by the Jews in Egypt, the year 1131. The writer would therefore have also reckoned according to this era, with reference to the chronology after the destruction of the second Temple used in the oldest colophon. In this case, as the era begins with the year 68 (not 70), 1513 is the year meant. Hence the codex dated 827 years after the destruction of the second Temple does not, to be exact, belong to the year 897, as stated p. 640, l. 6, but to the year 895.

Ibid., l. 20. אחרי גאולתו, which is erroneously translated, p. 641, l. 21, by "after his death," is easily to be explained as meaning that the Bible Codex had once to be redeemed. Whether it had been sold, pledged, or stolen, is not stated at all in the colophon. But 'גאולתו וגו' clearly asserts, that the Codex after its redemption was presented as an inalienable sacred possession to the Karaite community.

P. 643, l. 11, for ירקב read יכסה; l. 13, for read כגן; l. 14, for נ בשרו read כגפן בסרו; l. 17, for חרון read חריץ.

P. 650, l. 11, for חיקרה read היקרה; l. 21, for המכמים read החכמים.

P. 651, l. 4, for ביצה read בצע.

P. 654, l. 6 from below, for תלמיד read תלמוד.

P. 655, l. 9, for במפת' read במכת'; l. 12, for חלקי read מלרע.

N. PORGES.

CRITICAL NOTICES.

OLD TESTAMENT LITERATURE.

THE volumes which fall to be reviewed in this notice afford a fair example of the kind of work which is being done year by year in the various branches of Old Testament study. Clearly, the study of the text and its interpretation underlies all other research, and without more ado we may begin with the new edition of the Hebrew text by Prof. Kittel of Leipzig, with the collaboration of such well-known names as Beer, Buhl, Dalman, Driver, Löhr, Nowack, Rothstein, and Ryssel¹. It consists of the Massoretic Text with a judicious selection of variant readings from Hebrew MSS. and the versions, and a number of the more necessary emendations. A work of this kind is a distinct advance upon the ordinary Hebrew Bible, and deserves to be universally welcomed. Ginsburg's *Massoretico-Critical Text* was a step in this direction, but the greater fullness of detail gives Kittel's work the superiority. The names of his collaborators are a guarantee that the treatment of the text will be moderate; it was not purposed to deal so thoroughly with it as do the *Sacred Books of the Old Testament*, for example, where every writer has reconstructed the text according to that which is good in his own eyes. Recognizing that the ordinary editions with their scanty selection of marginal notes are an insufficient guide to put into the hands of the average student, Prof. Kittel's aim has been to provide just enough critical apparatus to enable the reader to use his Hebrew Bible intelligently. In some important particulars the editor has refrained from following innovations which are familiar to those who have used Baer and Delitzsch², and in this the work will doubtless commend itself to the majority. To Prof. Driver has been entrusted the preparation of Deuteronomy and Joshua, to Prof. Ryssel, Exodus-Numbers, whilst the editor is responsible for the remaining books, and has also had a share in

¹ *Biblia Hebraica*, ed. Rud. Kittel, Pt. I, Genesis-Kings, Leipzig, Hinrichs, 4 marks. See the editor's essay: *Ueber die Notwendigkeit und Möglichkeit einer neuen Ausgabe der hebräischen Bibel*.

² Cf. T. C. Foote, "Some unwarranted innovations in the text of the Hebrew Bible," *Johns Hopkins University Circulars*, xxii, no. 163 (1903, July), pp. 71 sqq.

Exodus and Numbers. An inspection of a number of select passages has satisfied us that the notes have been prepared with the requisite care and discrimination. Of course it is easy to cavil at the omissions, but the text's value lies in what it gives, and not in what it omits, and obviously it was never intended to make the work a completely critical edition of the text. This would have required an elaborate commentary on every page, and would at once have put it out of the reach of the ordinary student. As it is, the book is well printed, reasonable in price, and should find immediate use in every Hebrew class. Prof. Kittel and his co-workers are to be congratulated upon the result, and one may now begin to hope that some day an enterprising publisher will see his way to furnish one of the greatest wants in Hebrew studies—the publication of separate books of the Hebrew text with brief notes and vocabulary¹.

Kittel's edition, therefore, lays the foundation, and the "keen" student will interleave his copy in order to incorporate additional notes as he goes along. What will be made of the text of Hosea and Amos when the concluding volume appears next year the future will show, though we may be sure that the beginner will find in it sufficient for his wants. But to get to the bottom of the text, and to endeavour to understand the messages of these prophets, recourse must be had to the commentaries, and here the new volume of the *International Critical Commentary* series deserves something more than mere passing mention. Prof. W. R. Harper's *Amos and Hosea*², like the other volumes of this great series, is encyclopaedic. It is the sixth of the Old Testament volumes, and is distinguished from the rest by a marked originality of treatment. The commentary itself is exhaustive, nearly 420 pages in all. Questions of literary analysis, metre, and text are handled with fullness, and the arrangement of the material with divisions, subdivisions, and the relegation of subsidiary or technical matter to smaller type renders it more practicable to purely English readers. Everything that has been written upon Amos and Hosea has been carefully noticed, though not always weighed, and one can only express one's wonder at the immense pains which the author has taken to make the work complete. He appears to have overlooked nothing helpful, and the many references and illustrative points of detail reveal the width of his reading in every branch of Semitic study. In fact, so much solid material has been collected here that we are constrained to wish that his Indexes, though welcome enough, had been more complete. This volume forms the introduction

¹ Joh. Bachmann's *Präparationen zu den kleinen Propheten* (Berlin) is the only recent work of the kind that we have seen.

² T. & T. Clark, Edinburgh, 12s.

to the author's work on the rest of the Minor Prophets which are to appear in two volumes, and he has taken the opportunity of preparing a summary of the prophetic movements previous to the time of Amos and Hosea. This sketch occupies a hundred out of 180 pages of the Introduction, and is an extremely valuable monograph, for which we are particularly indebted to the author. It is very clear, and is to be commended to the earnest consideration of all readers. If it does not everywhere command the assent of those who study it, let it be remembered that when once one leaves the beaten track there are many paths which can be taken, and the discovery of the right one is the earnest object of all followers after truth.

This study of special topics is represented by two books in our *olla podrida*, one the elaboration of a new theory, the other a critical study of current theories. Mr. Thirtle's investigation of the headings of the Psalms¹ proposes a novel explanation of these much-debated curiosities, which has the great merit of simplicity. In Hab. iii we find a Psalm which stands by itself, is quite independent of the preceding chapter, and thus proclaims itself as a model or standard. It opens with a statement of its class (a prayer) and author, and closes with what is exclusively a musical note. This has suggested to Mr. Thirtle that there has been a displacement of headings and titles in the Psalter, so that "the chief musician," who really should be named at the conclusion of a Psalm (as in Hab. iii), has been placed at the beginning of the Psalm which follows. This alleged error naturally must have arisen after the original procedure had been forgotten, and is intelligible when one remembers that primarily there were no divisions between chapters or psalms. Thus, in Ps. lxxxviii, "Maschil of Heman the Ezrahite" rightly belongs here, but all that precedes is the subscription to Ps. lxxxvii. Again, in Ps. lvi, "Jonath Elem Rehokim" (? the dove of the distant terebinths) connects itself with Ps. lv. 6-7, and according to this new theory belongs really to the end of that Psalm; the words that follow (a Psalm of David, Michtam) naturally remain as the heading to Ps. lvi. Thence the author proceeds to study the meanings of the terms which have so long baffled scholars. He commences with *Shoshannim* and *Gittith*, which suggest lilies and the wine-press, the flowers of spring and the autumn vintage, and — according to him — symbolize the two great feasts, Passover and Tabernacles. He finds, therefore, in Ps. lxviii and xlv, which *ex hypothesi* concluded with *Shoshannim*, two characteristic Psalms for the Feast of Passover, whilst Pss. vii, lxxx, lxxxiii (with *Gittith*) are held to be equally

¹ *The Titles of the Psalms, their nature and meaning explained*, by J. W. Thirtle, 2nd ed., Frowde, Glasgow, 6s.

suitable for the Feast of Tabernacles. As, too, the Feast of Weeks is traditionally associated with the giving of the Law or Testimony (*Eduth*), its nearness to the Passover will account for the symbolical *Shushan* (*Shoshannim*)-*Eduth* applied to Pss. lix, lxxix. These, observes Mr. Thirtle, "while reflecting conditions suggestive of Pentecost, speak of a time when festivity was under eclipse. In fact, Israel was driven, by the terms of these Psalms, to pray to God for just such blessings as the Feast memorialized in the old-time life of the nation."

That "the place of David in the Psalter is not a question to be settled by criticism alone" is one of his conclusions, and it is argued that it is at least certain that the titles prove that his place in Psalmody was second to none. These are discussed at length, and we find, for example, Ps. viii ascribed to Goliath's death on the strength of the doubtful *Muth-labben*. One has only to turn to Kittel's edition, to see that אִישׁ הַבַּיִת (1 Sam. xvii. 4, 23) is extremely uncertain, and on the analogy of Ps. lii one expects the circumstances of the composition of the Psalm to stand at the beginning. *Mahalath* is taken to refer to rejoicings, dancing (*mēhōlōth*), whether over the death of Goliath (Ps. lii) or on the occasion of the bearing of the ark (Ps. lxxxvii). One other novelty may be mentioned. *Selah* is held to be merely a note to mark the commencement of a new division, to indicate the beginning of a new stanza. True, four times it comes at the end of a Psalm, but in iii, xxiv, xlvi the Septuagint omits, and if it stands after ix, the fact remains that the version unites ix and x as one Psalm. We have said enough to show the object of this little book, which has now reached a second edition. It is clearly one which must be left to speak for itself, and already Orientalists of world-wide fame, we are told, have congratulated the author on his discovery of the key to the mystery of the Psalm titles.

Another special problem upon the solution of which a great deal of ingenuity has been expended is the character of Hebrew metre. Mr. Cobb's discussion¹ owes its inception to a prize offered by Mr. C. G. Montefiore for the best treatment of this much-debated subject, and our thanks are due to him in very special measure that the successful essay has been published. Here we have no special pleading, no new theory to promulgate, but a careful criticism of all the systems of Hebrew metre that have been launched. No English system has appeared since the days of Lowth, and the worthy bishop held that all possible solutions had been proposed and that no one system was practicable. Looking back over the 150 years which have elapsed, we are confronted with a lengthy series of names of workers who

¹ *A Criticism of Systems of Hebrew Metre*, by W. H. Cobb. The Clarendon Press, 6s.

have devoted themselves to the problem, and still no system has been unanimously accepted. Bellermann, Ewald, Ernst Meier of Tübingen, Budde, Bickell, D. H. Müller, Herbert Grimme, Ed. Sievers, and many others, have each in turn pursued the elusive solution, and the average reader who sought to ascertain for himself the relative merits of each theory would doubtless speedily lose himself in a labyrinth of anapaests and syllables, of morae and strophes. We are extremely indebted, therefore, to Dr. Cobb for his patience in mastering the work of a century and a half, for the lucidity with which he sets before us the essential features of each system, and for the keen criticism he has brought to bear upon their defects. He has aimed at a careful induction of the accessible facts, a sound deduction of all the principles which are involved, and an independent and unprejudiced application of these principles to the theories which he has investigated. "Every theory," he observes, "accounts for some facts; a plausible theory accounts for most of the facts: the true theory, when found, will take in all of the facts naturally; hence it is to be reached by a positive rather than a negative process."

It is a meritorious feature of the treatise that the author has no theory of his own to hammer into us; he has less occasion to labour to prove the errors of others, and his whole attention is directed to a keen search after facts. He asks his readers to know only three things: Hebrew (only a little knowledge is required), English, and *poetry*, and if we italicize the last, it is lest some should forget that Hebrew literature after all was a living literature. Further, it is characteristic of the author that he has ignored the Assyrian parallels noted by Gunkel, Delitzsch, Zimmern, and others, for the very excellent reason that if the Assyriologists have made out their case it would predispose us to expect something similar in Hebrew. Mr. Cobb's criticisms of the problems of Hebrew poetry do not include any solution of his own, but he has reached important conclusions: the distinction between rhythm and metre must be given up, a combination of the results of Grimme and Sievers is to be desired. "On the one hand, a profound acquaintance with general philology; on the other, with Semitic philology. The one side would consent to sacrifice its exclusive anapaests, the other its cherished morae. . . . If some genuinely mediating investigator could bring the two schools into harmony, he would inherit the blessing pronounced on the peacemakers."

Lastly, we come to the work of literary criticism which has to be built up on the study of the Hebrew text, its interpretation, and the investigation of a multitude of special questions. Prof. C. F. Kent is best known, perhaps, for his *History of the Hebrew People*, a scholarly,

non-technical, and well-written study covering the whole of the Old Testament period. During the eight years or so that have elapsed since that was first written, he has made further efforts in the same direction, and proposes to publish the Old Testament and the Apocrypha in English, with its contents arranged logically and chronologically. Two volumes have now appeared¹, and suffice to show that the work bids fair to be absolutely one of the most useful of its kind. A useful feature of Prof. Kent's edition is the method of classification which he has adopted. There is no book like the Old Testament which requires so many aids to its understanding. "Logical classification," as he remarks, "is distinctly the gift of the Aryan rather than of the Semite. Without exception, the literary products of the East, and especially of the Semitic world, are conspicuously lacking in systematic arrangement. The Koran, for example, is a medley of commands, stories, prayers, and exhortations. To this general rule the Old Testament is no exception." So, in the first place he has aimed at presenting a systematic classification of the various subjects. Here we have tradition, history, and biography. Vol. III will contain prophetic sermons, epistles, and apocalypses; vol. IV, laws and traditional precedents; vol. V, songs, psalms, and prayers; and the series will conclude with vol. VI, proverbs and didactic poems. As already mentioned, the writings of the Apocrypha are laid under contribution; the historical records, for example, would indeed be incomplete if the First and Second Book of the Maccabees were ignored. But to render the classification chronological as well as logical, effect must be given to the results of literary criticism, and these must be presented in a form that will admit of their being intelligible to the general body of students; for the destructive stage has been succeeded by the constructive, and there are many problems that invite the attention of the general students of history, literature, and science. For these, however, everything must be complete, concise, and clear, and it is characteristic of the author's thoroughness that he has prepared a new translation of the Hebrew, indicating where necessary the variants or emendations which he has preferred to follow. To represent at a glance the analysis of the narratives Prof. Kent has adopted a plan of his own. In the *Documents of the Hexateuch*, it will be remembered, the Rev. W. E. Addis printed separately the portions ascribed respectively to JE, D, and P. In Haupt's *Sacred Books of the Old Testament*, the

¹ *The Student's Old Testament*, vol. I, "Narratives of the Beginnings of Hebrew History from the Creation to the establishment of the Hebrew Kingdom" (1904); vol. II, "Israel's Historical and Biographical Narratives" (1905), London, Hodder & Stoughton.

various strands are indicated by colours. The editors of the Oxford *Hexateuch* employed an ingenious scheme whereby the whole of a narrative or its constituent parts could be read apart. Advantages and drawbacks to each can be easily found, although the Oxford *Hexateuch* is probably best for the ordinary reader. For the furtherance of his object, Kent has grouped together parallel or related records side by side, so that the growth of any given tradition or law can be readily traced. This has a distinct advantage in the case of actual parallels; the three stories of the deception regarding Sarah and Rebekah (Gen. xii, xx, xxvi) appear on one page, similarly the two stories of David's magnanimity towards Saul (1 Sam. xxiv, xxvi), the twofold account of the capture of Jericho (Joshua v and vi), and so on. But, on the other hand, this system is apt to require too confident a decision in ascribing verses of doubtful origin, or which are due to redaction, and by removing passages from their present context it is difficult to grasp the character of each separate source as a whole, or to follow chapter by chapter the methods of successive redactors to supplement or supplant the older material which lay before them. This scheme, with all its merits, illustrates the growth of tradition, but not the growth of the literary material to its present form. Space forbids us to enter more deeply into these volumes. Tables show the stages and approximate dates of the literature, the contents and the classification of the narratives. Indexes of Biblical passages render reference easy. Numerous maps illustrate the geography of special periods. A copious Introduction to each volume deals adequately with the general questions. Appendices furnish bibliographical details and miscellaneous information, including side-lights from the historical and mythological inscriptions, weights and measures, names of months, &c. The footnotes deal with textual questions in brief and with the literary analysis at greater length. Properly enough, care is taken to give the grounds upon which the analysis has proceeded, and the treatment is marked on the whole with fairness. Here, of course, there is room for criticism, since there must always be differences of opinion over this complicated subject. Frequently it is impossible to determine the sources of a narrative whose composite character is admitted, and the work of analysis is one of extreme complexity. In some of these cases one is inclined to believe that the traditions were already composite in the oral stage, and that the ancient Hebrew, like the modern Bedouin, paid little heed to inconsistencies and contradictions which he heard and read¹. We may just notice Prof. Kent's view of the date

¹ As an example may be cited the story of Zir, a favourite tale with the natives of Palestine, which in one form is composite. The hero on his

of the book of Ruth. In opposition to the majority of critics (Driver and a few others excepted) he rejects the post-exilic date of the book. He regards it as certainly older than the exile, but admits that it has been recovered and touched up at a late date by editors who found therein a justification of marriage with foreigners. The "Bethlehem Cycle of Stories" in which he includes it, numbers also Judges xvii-xxi, which, as we know, were appended to the Book of Judges in all probability in post-exilic times. How the old story of Gibeah was treated (xix-xxi) any commentary or introduction will amply show; it is a fortunate circumstance that the idyllic story of Ruth was less severely handled.

It might have been interesting, perhaps, to test Prof. Harper's treatment of the metre of Amos and Hosea in the light of Dr. Cobb's criticisms, or to compare the text-critical standpoint of Prof. Kent with Prof. Kittel's edition of the Massoretic text; but we have already exceeded our limits. Each represents an advance, typical of the gradual progress of Biblical studies, and we may apply to them what the old divines said of their translation in the Preface to the Authorized Version:—

"As nothing is begun and perfected at the same time, and the latter thoughts are thought to be the wiser; so if we building upon their foundation that went before us, and being holpen by their labours, do endeavour to make that better which they left so good; no man, we are sure, hath cause to mislike us; they, we persuade ourselves, if they were alive, would thank us."

STANLEY A. COOK.

ON THE BIBLICAL EXEGESIS OF JOSEPH IBN KASPI.

ISAAC LAST, *משנה כסף*, Weitere zwei Schriften des R. Joseph ibn Kaspi. Erstes Heft., Pressburg, 1905. x + 176 pp., 8vo.

IN the well-known list of his works, Joseph ibn Kaspi places at the head the one entitled *טירת הכסף* (Canticles viii. 9). He thus return from abroad finds that his sister-in-law has married the murderer of his brother, so he avenges his brother's death by killing the relations of the second husband (who himself is dead). Later, he finds his nephew, his brother's own son, and the two turn upon those who had murdered the father and put them all to death. The point is that the whole story, with the twofold account of the vengeance, was taken down from the lips of Sinaitic Bedouin. The complete story as heard by Mr. Jennings-Bramley will be printed in his article on the Sinaitic Bedouin, Part vii, in an early number of the *Pal. Explor. Fund, Quarterly Statement*.

shows the especial esteem in which he held this work, as well as the far-reaching importance attaching to its subject. The original title of the work was, as Ibn Kaspi himself states in the list, "Book of the Secret" (ספר הסוד), and only afterwards, when he had named all his works with phrases that should remind one of his own surname, drawn from his birth-place (Argentières), did it receive the new title. The contents of the work were also not hitherto unknown. In the joint work of Renan and Neubauer, *Les Écrivains juifs français*, etc., XIV^e siècle (Paris, 1893), there is a summary of its chapters (pp. 159-62); and already before this, J. Perles had published the epistle of Kalonymos b. Kalonymos to Joseph Kaspi (Munich, 1879), which consists of a criticism of the *Tirath Keseph* and at the same time affords a view of its contents. But only now has the possibility been attained of becoming more closely acquainted with the work itself. With praiseworthy zeal did Isaac Last, after publishing ten works of Ibn Kaspi in 1903¹, undertake to issue two further works of the same writer; and as the first part of this publication we have the *Tirath Keseph*, or the "Book of the Secret," a welcome and valuable addition to the Kaspi literature, and, by reason of the contents of the volume, an important contribution to the history of Jewish exegesis of the Bible.

In the short preface Ibn Kaspi says: The object of this book is the elucidation of what our sages termed the "secrets of the Torah" (סתר תורה). He says more precisely in his explanation of the list of his works: The object of this book is to describe the general classes of ideas contained in most secrets of the Torah, and to elucidate the reasons of the stories that occur in the Torah². By "secrets of the Torah," therefore, Ibn Kaspi understands in this work a deeper knowledge of the import of biblical stories, and the thoughts and teachings that occur in the narrative portion of the Pentateuch. One can thus designate the work as an Exegesis for these constituent parts of the Bible. It falls into two parts: I. On general subjects, thirty chapters (pp. 1-47); II. On special subjects (pp. 47-167). The second part begins with the establishing of seven rules for the exposition of biblical texts (pp. 47-9), and then devotes eight chapters to the elucidation of the narrative contents of the Pentateuch, viz., I. on Gen. i-v. 31 (pp. 49-60); II. Gen. v. 32-xi (67-71); III. Gen. xii-xxv. 18 (71-108); IV. Gen. xxv. 19-l (108-34); V. Exod. (134-54); VI. Lev. (155); VII. Num. (155-64); VIII. Deut. (164-7). This survey shows that three-fourths of the second part deal with the stories of Genesis. The last three

¹ See *Revue des Études Juives*, XLVII, 147-154.

² Cf. p. 64 שאחת מכוונותי בספר זה הוא גלוי טעמי הספורים.

Books of the Pentateuch are treated very summarily, and in the second Book, too, only miscellaneous remarks are strung together. Although Ibn Kaspi, as is the case in all his works, always refers in this work also to the importance of logic for Biblical Exegesis and especially for scientific inquiry, we can hardly speak of a logical method in the expression of his thoughts in the first general part of his work under notice. It is difficult to find the leading idea in the thirty successive chapters of this part, as they contain matters of a manifold character that do not always belong to the real theme of the book. Especial interest attaches to chap. 14 (pp. 18-20), in which we learn the first motive that gave rise to the work. At the age of thirty-five, as the chapter begins in a reminiscent strain, Ibn Kaspi went to Egypt¹, where he was destined to be disappointed by the successors of Maimuni and the condition of his school, but where, on the other hand, observation of the habits and customs of that country afforded him unexpected light with regard to numerous details in the biblical narratives. As examples of this he mentions here: riding on an ass (Exod. iv. 20); he refers to Ibn Ezra's commentary on the passage and remarks, "I have often seen this (namely, wife and children riding on an ass; or even people of rank using an ass instead of a mule in Egypt)."—Further, on Exod. viii. 15, in opposition to Ibn Ezra's view about the habits of the kings of Egypt, Ibn Kaspi remarks: "The king of Egypt leaves his palace only on Tuesday and Saturday; on these two days of the week he betakes himself with his nobles and knights to a certain esplanade on the Nile to play a game at ball²".

As a further example he mentions the taking off the shoes (Exod. iii. 5; Deut. xxv. 9; Ruth iv. 7). In that country it is the custom to wear shoes of hard leather, without their being attached by anything to the foot; in order therefore to take one's shoe off, one has only to shake one's foot, and the shoe falls off itself. This is expressed in the verb של (Exod. iii. 5; cf. ונשל, Deut. xix. 1). But when the shoe is taken off the foot with the hand, the verb שלף

¹ Ibn Kaspi writes this, as he remarks at the same time, two years later, viz., as we find at the end of the work (p. 168), in the year 5077 (1317). The journey to Egypt was thus in 1315. On p. 42 Ibn Kaspi mentions that the Nagid, a great grandson of Maimuni, blessed him profusely when he first visited him. But there is no mention here of a first journey to Egypt, as the editor believes.

² An interesting passage on the game of ball occurs, p. 30 (chap. 21): "One plays it merely as a game, the other practises it, out of hygienic considerations, as physical exercise" (יגשוו אחר על דרך צהוק ואחר על דרך (חכמה לכונה החזמלות לבריאות).

is used (Ruth iv. 7), just as this also denotes the drawing of the sword out of the sheath. But if the shoe is tied to the foot by straps, then its removal is expressed by חָלַץ (cf. וַחֲלֹצוּ, Lev. xiv. 40).—Ibn Kaspi adduces, in the special part, a great number of such customs that he noticed in Egypt and in the Orient generally, in order the better to explain what is narrated in the Bible.—In dealing with the intended curse of Balaam (Num. xxii ff.), which was acknowledged as efficacious only on the part of the Israelites, who heard of it or knew that he wished to curse them, Ibn Kaspi mentions that it was the custom in that country then, as it is now, to listen to soothsayers and magicians (p. 43).—On Gen. ix. 25 (Noah does not curse Ham, but his son Canaan): “It is thus customary in that country, that a person who is enraged with somebody curses his children and grandchildren” (p. 69).—On Gen. xiv, he refers to the historical fact that Babylon continually acquired the supremacy over Palestine, just as the king of Shinear (= Babel) conquered the kings of Sodom and the other cities. David could also have previsioned the Babylonian exile in Psalm cxxxvii. “And so it is to-day still: The king of Egypt, who also rules over Palestine and the adjacent regions at the present time, as far as the Euphrates, never crosses this river to wage war against the king of Babylon, who is now ruler over the Tartars; at the most, he advances against him as far as the Euphrates, as once Pharaoh Necho did in the days of Josiah. But the king of Babylon constantly crosses the Euphrates, whether to plunder Damascus or to harass Jerusalem and its vicinity” (p. 75).—On Gen. xvi. 1: “Polygamy is a custom in the Orient, and the Torah permitted it our people. It was therefore a sign of the holiness of Abraham, that despite his longing for male posterity, he took no second wife in addition to Sarah” (p. 84).—On Gen. xxi. 14: “It is the custom in that country to carry children on the shoulder, just as it is usual among us to carry them in our arms” (p. 99). Ib.: “One should not ask why Abraham gave Hagar water and not wine on her journey. For only in our country do people take wine with them on a journey” (p. 101).—On Gen. xxiv. 3: “At the present day also are the women of Palestine bad” (p. 105) [i. e. of bad reputation].—On Gen. xxiv. 32: “The offering of water to one who has come from a journey is due to the custom of the people of that country in walking barefooted, like the order of the Minorites (כַּת הַצְעִירִים) in our country” (p. 106).—On Gen. xxv. 19 ff.: “The precedence of the firstborn, which is the subject of this chapter, belongs to the customs of that country” (p. 108).—On Gen. xxxii. 27: “Jacob’s request for the blessing of his opponent rests on the custom of that country, which is likewise found in our own country, that the inferior

begs the more highly placed for his blessing" (p. 117).—On Gen. xxxvii ff.: "The story about Joseph in Egypt gave rise to the questions, how it was that Joseph sent no message to his father, as there was only a distance of eight days' journey between Palestine and Egypt; and further, how it was that Jacob heard nothing of a Hebrew slave's attainment to such high rank in Egypt. These and similar questions did I put to myself in my youth, before I went to Egypt. But after my sojourn in that country, everything became clear to me. The slaves in that country are altogether not to be compared to the servants in our country; they are rather, as the property of their master, on the same level as sheep and oxen and other domestic animals. Hence Joseph, so long as he was a slave, was altogether unable to inform his father, still less to escape. When he had risen to high rank, he first waited for the fulfilment of the dreams of his youth. But Jacob and his sons could indeed have heard of the advancement of a Hebrew slave, without thinking of Joseph, as such slaves usually came to the market. Besides, the promotion of a slave in that country is no wonder; it is rather a frequent case. For as the king has the most confidence in his foreign slaves, he appoints them as chief officials and knights" (p. 123 f.)¹.—On Gen. xlv. 27: "By 'waggons' are to be understood only those vehicles permitted to the king and great nobles; for in that land large and lofty waggons are not generally used as in our country. Further, only nobles and knights may there ride on horses, whilst the free citizens ride on asses" (p. 132).—On Gen. xlvii. 1 f.: Here is related what Joseph did to keep his brothers away from the service of the king. "This is particularly advisable, as I know" (p. 133).—On Exod. iii. 5: "It is well known that in that country one removes one's shoes before entering a respectable house or the synagogue; it is likewise the case even in one's own house, on entering the interior apartments."—On Exod. ix. 29: "Moses had a separate place outside the Egyptian capital (מצרים, i. e. the subsequent Cairo), where he prayed. The site is now occupied by the Moses Synagogue, whither pilgrimages are made during the Ten Days of Penitence; I also have prayed there" (p. 139).—On Exod. xii. 11: "In that country it is the custom on entering the dining-room to remove one's shoes and loosen one's girdle, for the diners are seated in a circle on the floor, which is covered with embroidered

¹ Ibn Kaspi is doubtless thinking here of the Mamelukes, who, from the condition of Turkish-Tartar slaves, rose to the highest dignity in the thirteenth century and were rulers of the land at the time of Ibn Kaspi's sojourn in Egypt.—Ibn Kaspi speaks of "knights" (פרשים), with an application of the European idea to Oriental conditions.

carpets. The Israelites preparing for the Exodus are therefore commanded to eat the Paschal lamb with loins girt and feet shod, so that it should not be a regular repast, but eaten in haste and as though by the way" (p. 139).—On Exod. xxxiii. 18: "'Show me, I pray Thee, Thy glory' means as much as 'Show me thyself,' for this idiom is customary in that country. For example, if one wishes to say to somebody: 'How fares it with thee, O sir?' one says: 'How fares it with thy excellence, O sir?'" (p. 146).—On Exod. xxiii. 19: "'I will make all my goodness pass before thee.' In that country, and in ours too, there pass before the king along the street horses and carriages, slaves and knights and nobles, in short, his whole camp, and then the king follows" (p. 146 f.).

We may assume that such and similar observations that Ibn Kaspi made in Egypt suggested to him the idea of understanding the Biblical narratives in the light of Oriental customs. But—and this prejudices somewhat the correctness of the fundamental idea—he made no distinction between ancient and modern times, and calmly transferred present-day conditions to Biblical antiquity. Besides, he sometimes makes use of the conditions of his French home to understand the Bible. That כָּל ("all") in the Bible is sometimes to be understood hyperbolically, he explains by the remark that this is "also our custom in this our land" (p. 63).—That Abraham forbade his servants to take any share in the spoil (Gen. xiv. 24), he illustrates by a reference to "the judges of our time, who keep themselves free from the acceptance of bribery but permit gifts to be made to their wives and dependants." Abraham had to deny himself the privilege of acting in this way with regard to the spoil (p. 77).—On Gen. xviii. 3 f.: "In addressing the three men Abraham at one moment speaks to one in the singular, and at another speaks to all in the singular. Our custom too in this our land is, that whoever speaks to a number of people, inviting them, for example, to dine with him, addresses only one to whom he offers the invitation."—On Gen. xxi. 12: "God's injunction to Abraham to do all that Sarah tells him is not to be understood literally, but refers to this one case. Latin¹ also, the language of our country, knows this mode of expression, where the individual case is generalized" (p. 119).—On Gen. xxi. 14: "Also in this our land is it the custom for the host to give the parting guests food and drink for the next halting-place. What Abraham gave to Hagar besides in the way of goods and chattels is not mentioned, because for the story of her wandering in the desert only the mention of the travelling provisions is necessary" (p. 101).—On Gen. xxiii. 16: Abraham

¹ לשון רומי. But perhaps French or Provençal is meant. See note 1, p. 168.

emphasizes the full value of the money he has to pay, although he knew that Ephron would not have refused even coins of inferior value, seeing that he had actually offered him the plot of land as a present (ver. 11). Some contemporaries act otherwise, for when they give alms they select for the purpose forged or depreciated coins, because they know that the money will not be returned to them (p. 105).—On Gen. xlvii. 30: "It is our custom to-day also to bury a man beside his ancestors" (p. 133).

The revelation of the "Secrets of the Torah," which form the object of this work of Ibn Kaspi, is naturally not confined to the application of the customs and conditions of civilization observed by himself in the Orient; and especially in Egypt. On the contrary, he took particular pains to render these stories more comprehensible by rational explanations of their import and of the connexion between their several parts. At the same time the logic of the events related in the Bible and the psychology in the judgment of the persons concerned also play a principal part. In Ibn Kaspi there is no question of philosophical allegory or cabbalistic mysticism that might perhaps be sought beneath the narrative matter of the Bible. When he designates the results of his elucidation of the Biblical narratives as "Secrets of the Torah," he follows therein the usage of Maimuni, who, in the Arabic text of his *Guide*¹, applies the traditional Hebrew expression סתרי תורה, to the deeper exegesis of the stories of the Bible. From Maimuni, who is besides very often quoted in this book, he also borrows the vision-theory in the explanation of certain Biblical narratives². See especially the conclusions on Gen. xviii and Gen. xxxii. 25 ff. (pp. 91 f., 116 f.)³.

Ibn Kaspi prefaces the Second Part, that is, the principal portion of his work, with seven general rules or theses, which he wittily calls שבע מצות בני נח, because by observing them we secure repose (מנוח) from any confusing or disturbing thoughts in the understanding of biblical texts (p. 118). Only the last three of these rules I give here in brief: (V) The descriptive method of the Bible is based on countless metaphors, metonyms, and other forms of speech, which must be regarded as indispensable. This mode of expression is meant by the dictum of the sages: "The Torah speaks according to the language of man." This principle, remarks Ibn Kaspi, by reason of its com-

¹ *More Nebuchim*, III, 50 beginning. See my *Biblical Exegesis of Moses Maimuni*, p. 13, note 4.

² See *ibid.*, note 7; also p. 8 ff.

³ In chapters 15 and 16 of the First Part (pp. 20-25) Ibn Kaspi deduces from several examples taken from the Prophetic Books that Maimuni's vision-theory must be restricted in its application.

prehensive significance, solves the most, if not all doubts in Holy Writ¹. (VI) All things are ascribed to God, so that it is said of all existing things, that he is their author. This is done by means of various expressions, whether of working or making or of saying and repeating, in short, by means of every possible expression. (VII) The narratives of our Torah are, according to their simple sense, true for those who understand this sense. But in them are also concealed secrets that are within the reach of only a chosen few. What Ibn Kaspi understands by the simple sense of biblical texts he states, on p. 57, in reference to the stories in Gen. iv: "I believe that all the sentences of this narrative are to be understood according to their simple sense, but not in the simple sense as understood by the ignorant who do not know the Hebrew language, but as understood by scholars."

Some observations of a general nature occurring in the present work of Ibn Kaspi may show more clearly the character of his Biblical exegesis. On the section Gen. x. 18 ff. he remarks that the curse uttered upon Canaan is to be considered as "fruit" of this story, i. e. as its actual purpose. Still, in the Torah secondary circumstances and premisses also have their importance: the Torah offers "fruits" everywhere (p. 67).—When we read in Gen. xviii. 33: Abraham returned to his place, although he had not left his place at all, as the whole story in chap. xviii is the subject-matter of a vision, we must understand the statement thus—that when the visionary condition ceased, it seemed to Abraham that he had returned from some other place to his abode ("at the door of the tent," ver. 1). For in many passages Scripture speaks of something which the persons concerned believed to have happened, as of something that actually happened, e. g., Joshua ii. 7, where the pursuers intend pursuing the spies.—In Gen. xxxiv the complicity of the inhabitants of the town of Shechem in the guilt of Hamor and his son is not mentioned. But the non-mention of details of a story is no argument against the supplementing of such details² (p. 120). The omission of details is even a fundamental method of biblical narration³ (p. 158).—The statement in Gen. xli. 48 and many other

¹ וזה המאמר מהנמינו ו"ל מחיר רוב הספקות שבתורה לכללותו הרב כמצט שאומר שהוא כסוג מחיר לכלם. The principle of the human style of speech is accordingly applied by Ibn Kaspi to a much farther extent than by Maimuni (see *The Biblical Exegesis of Moses Maimuni*, pp. 19–22). In the following passages of our work Ibn Kaspi cites the sentence, דבורה ת' כ' בני אדם, pp. 19, 42, 46, 47, 51, 80, 93, 94, 136, 138, 145, 149, 162.

² ההשמטה אינה על כל פנים: Cf. p. 99. השמטות האלה אין הסתירה מתלוצה מהם.
³ . . . אבל בחר השם בהשמטה על האריכות

things in this chapter are to be understood according to the principle of our sages, that the Torah often employs hyperbolical figures of speech (p. 124, cf. 162). Ibn Ezra's endeavours to find out the inner connexion between contiguous chapters are unnecessary, since there is no question of precedence with regard to the chapters of the Bible (p. 155 f., cf. pp. 61, 71).—It is a favourite idea of Ibn Kaspi that the Torah as a literary product became a model for other writers, to which he is led by the familiar notion of the influence of the ancient culture of Israel upon the nations of antiquity. Thus with regard to the repetitions in the Bible, he points to Aristotle, who, in the *ספר השמע*¹, introduces the later chapters with a recapitulation of the contents of the earlier chapters (p. 63). That a short thesis should precede the detailed discussion in Aristotle and Averroes is an imitation of the Torah's method of presentation, as Ibn Kaspi shows in Gen. xvii (p. 87 f.). In the first place Ibn Kaspi remarks that just as art when imitating nature never attains its perfection, so the perfection of the Torah has never been attained by any other work². The method of presenting abstract thoughts, so as to make them comprehensible to ordinary men, by the medium of stories and observation, was also learnt by the philosophers from the Torah³ (p. 103).

As authors of the Massoretic division of the text of the Torah, the Men of the Great Synagogue (see pp. 172, 174) are once named (p. 36). But in another place we read (p. 64): "The authors of the division of the Pentateuch text into verses, chapters, and books, displayed great wisdom; perhaps this mode of division goes back to Moses himself." Of the wisdom of the one who divided the text into chapters, Ibn Kaspi also speaks p. 70, and also pp. 121 and 158.

Of the contents of the First Part, chap. 24 deserves special notice. In this the biblical precept relating to kindness to animals is based on the view that there is a natural kinship between men and beasts. "We sons of man are very closely related to them; both we and they are children of one father, for we belong together with them to the same class of beings. Of course, those who are ignorant of

¹ i. e., the Physics, also called *השמע הטבעי* (Steinschneider, *Die hebr. Übersetzungen*, p. 108). P. 118, Ibn Kaspi quotes *ספרי הרופאים* and *ספרי הטבע*.

² P. 63: שהם ברוב ענינים מחקים עניני הורחנו כמו שהמלאכה תחקה הטבע וחלילה: שיבואו הפילוסופים לשלימות תורתנו כמו שלא הבוא המלאכה לשלימות פעולות הטבע.

³ P. 134, Ibn Kaspi says of the Torah: והנה זה הספר יכלול בו כל מה שכללו *ספרי הטבע ואריסטו* (לאריסטו read) וגם *ספרי מה שאחר הטבע* ויותר מה שכללו הם. Then follows a very frank statement of the idea about the dependence of non-Jewish learning upon the Bible and the lost works of ancient Israel.

natural science believe the contrary: hence many true conceptions are concealed from them and false pride takes a hold of their heart.”—Further, Ibn Kaspi concludes that plants also belong to the essential communion of mankind, a point that he establishes by an ingenious explanation of Deut. xx. 19, and also by quoting passages from Bible and Talmud. This view, reminding us of Buddhism, is put forward by Ibn Kaspi as his own opinion (לפי דעתי). It also reminds one remarkably, especially in its designation of animals and plants as brothers of man, of the well-known words of St. Francis of Assisi.

Ibn Kaspi's view of inherited intellectual qualities is also deserving of special attention. In connexion with Gen. xxiv. 65 he observes that the account of Rebecca ought to convince us of her remarkable intelligence. This is of great advantage to “us, her descendants”; for there is surely no doubt that “the nature of the roots is still found in the branches¹” (p. 108). “The wisdom that is evident in the creation (‘founding’) of the Hebrew language”—he remarks in treating of the voices of the Hebrew verb (p. 122)—“is also shown in the determination of the accents (on ויתמהמה Gen. xix. 16) and verse-divisions; for the boughs and branches follow the root².”—“The sons of Jacob,” says Ibn Kaspi in reference to Gen. xxxiv. 7 f., “were not easily and simply to be deceived, but they possessed great wisdom as an inheritance from their ancestors³” (p. 118).—“An evil inheritance from the ancestor ‘Peleg’ (Gen. x. 25) is disunion, which exists in greater measure in Israel as among all nations of the earth. For this evil significance of the name ‘Peleg,’ not he but his father Eber is named as the founder of the race. But even had our ancestors concealed the name, they could not conceal nature⁴” (p. 71).—Satirical conceits like this, or even purely humorous remarks, are also found in Ibn Kaspi within the frame of biblical exegesis. Where he speaks of Lot's daughters (Gen. xix. 31 ff.) he cannot refrain from the remark: “There is no doubt that the advice of women has evil as its result, whether disgrace, as in the present case, or death, as in the case of the advice of Eve, who gave her husband to eat of the death-bringing fruit, or as in the case of

¹ ואין ספק גם כן שטבע השורש נמצא בסעיפים עריין.

² Here Ibn Kaspi mentions all the varied expressions of the Bible for branches and boughs right to the top of the tree (צמרת, Ezek. xvii. 3). But it was unnecessary for the editor to give the respective passages in the Bible, since it is not a matter of quotation here.

³ ערומים גדולים ירושה מאבותיהם.

⁴ אבל לא רצו אבותינו להתייחס לפלג להיות רעה אמנם אם יכלו להסתיר השם לא יכלו להסתיר הטבע ועדים נאמנים אנהנו עד היום לאמנו הנכירה אשר פלג.

the advice of Job's wife (Job ii. 9). Happy he who escapes them!" (p. 95).—In reference to Gen. xxx. 14 he expresses his contempt for women in the following laconic style; "Rachel and Leah were women, they were not Moses and Aaron" (p. 114). On Gen. viii. 17: "In the case of many of the animals to be put out of the ark, no special means were necessary, but Noah opened doors and windows, and they ran out of themselves—and so they are running ever since" (p. 66).—He concludes a little excursus on dreams with the following sarcasm (p. 90): "God forbid, that we should also do what we often see in our dreams. How often does it happen that people of our plebs (להמונו) are commanded in a dream to hang themselves or to drown themselves? To be sure, it would be a good thing many a time if they carried out these commands!"—On Gen. xxiv. 47, where the narrator alters in Rebecca's favour what is reported in vers. 22-4: "Perhaps Rebecca was not present at the story of Abraham's servant, and even if she were present, she doubtless stood there with 'the meekness of the wolf and the modesty of the fox,' for young maidens are wont to assume such a cloak of humility, embroidered with deception" (p. 107).—On the "sign" in Exod. iii. 12: "Moses did not ask for the sign, as Gideon did (Judges vi. 17). God gave it him by favour, and what is given by favour ought not to be made the subject of inquiry, with respect to the reason of its being given, as the ancients say: 'One ought not to examine carefully the teeth of a gift-horse'¹" (p. 137). If Moses," he continues further, "was satisfied with the sign given to him by God, why should we distress ourselves about it, and why do the commentators find it difficult to explain?"—Ibn Kaspi gives expression to his exegetical ignorance in a drastic fashion in connexion with Num. xxi. 9: "With regard to the serpent, I am by no means so much perplexed as many of the commentators; but in me there is a perplexity of which I can never be cured, unless God were to command one of his prophets to make a serpent like that one, which I might behold and recover. The perplexity consists in that I know not what the serpent means, just as I do not know the meaning of the breast-plate and ephod, nor the meaning of the tree that Moses threw into the water of Marah (Exod. xv. 23), as well as the others of his actions that he did at God's command. How should we understand his actions and wonders, seeing that we cannot at all understand the wonders of other prophets like Elijah and Elisha,

¹ כמאמר הקרמונים אל הסוס הנחן אין לברוק שניו בריוק ובמהן. Most likely a French (or Provençal) proverb. The editor rightly compares the German: "Do not look a gift-horse in the mouth."

who are much below Moses in rank? And how should we understand the actions of the latest prophets too, seeing that we do not understand so many things in the accounts contained in the Book of Chronicles and in the narratives of the scroll of Esther? Alas for us and those like us who know their failing, understand their malady, but who have tried the physicians for a cure in vain" (p. 163). In another passage too (p. 135) he makes a confession of ignorance in regard to the wonders of the Bible. He does not wish to make them the subject of a systematic elucidation for two reasons; the one reason is, because it is not suitable to do it; the second and stronger reason is—"Because I do not understand it (שלא אדע זה)." This confession of ignorance is, to be sure, very isolated in Ibn Kaspi. In this work of his too, he likes to speak of himself and his work in a somewhat eulogistic fashion. He has no hesitation now and again in describing the results of his investigation as a sort of divine revelation¹. He plumes himself especially on his brevity, although he often gives the impression rather of loquacity. On one occasion, after speaking of the terse descriptive style of the Torah, with its omission of many details, he says: "Since one must walk in the ways of God, and He composed short books (והוא שחבר ספרים קצרים), how should I compose long books?" (p. 69)². He addresses his sons as readers of his book, while also thinking at the same time no doubt of other young readers. Once he apostrophizes them: "Know ye, that I offer here for nought that which I acquired in my lonely study, wherein I laboured day and night" (p. 90). On another occasion (p. 64) he addresses them in metaphorical speech: "Bring ye forth from your treasure-chambers silver and gold, and lay ye this therein, for it is a jewel for kings." By this, as the context shows, he does not mean his own work, but the subject of it—the Torah.—On p. 164 we find a remarkable utterance of Ibn Kaspi, which is of importance for the history of the Jewish translation of the Bible: "Do not expect from me here (in Deuteronomy) an explanation of details. For I know that it displeases the fools, that I should compose my verbal explanation in our language, the Roman language, which had to begin with the word בראשית and finish with the word Israel (the last word of the Pentateuch). But I thought, another can also do that; I have

¹ P. 36: שמעו בנים מה שגילה השם אלי; p. 86 (on Gen. xvii): שמעו בנים מה שגילה השם אלי; p. 124: שמעוני אחי ושימו לבבכם להבין מה; p. 90 (on Gen. xviii): ראו בני גליתי לכם מה שגלה לנו השם; שגלה ה' אלי מוסורת תורחתי ולא גלה זה לכל בעל היים.

² See also p. 103: אני חושק בקיצור על כל פנים. P. 118: ולמה אאריך ואני קץ. בו וגם בלשון הקצר איני כותב ברצון נפשי רק שמלאך דוחה את ידי ומניע קולמוסי.

something else to do¹." Apparently one expected from Ibn Kaspi a complete translation or at least a complete glossary to the Pentateuch, like that recently edited from a Paris MS.²

In this work, too, Ibn Kaspi reproaches his predecessors in the domain of Biblical Exegesis, particularly with the neglect of logic (see pp. 44, 68, 98, 139). At the beginning of his discussion of Exodus (p. 134) he first recommends his readers to study the commentaries of Rashi and Ibn Ezra. He quotes these two exegetes pretty often, especially Ibn Ezra. With regard to the latter he refers to the praise bestowed on him by Maimuni "in one of his letters": he thus regarded as genuine the well-known pseudepigraphic letter. Besides Rashi and Ibn Ezra, and the constantly cited Maimuni, the following Jewish authors are also quoted in our work: David Kimchi (always **אבן קמחי**, pp. 1, 25, 144, 145), Ibn Ganâḥ (1, 6, 36³), Josippon (5, 7).—Besides the passages already mentioned, Aristotle is cited elsewhere too. Philosophers generally are quoted as follows: pp. 29, 41, 57, 59, 63, 67, 83.—The wise men of Jewish traditional literature are called: **הפילוסופים מחכמי דתנו** (p. 62) or **הפילוסופים השלמים מבני עמנו** (p. 83)⁴.

Herr Last has devoted scrupulous care to the editing of Ibn Kaspi's work, the prominent features of which have been described in the foregoing pages. He uses as a basis a Bodleian MS. (Suppl. Heb. MSS., C. 16) and also supplies variant and complementary readings from a MS. belonging to the collection of the late Dr. H. B. Levy, the Hamburg bibliophile. He makes the interesting passages in the text prominent by the use of spaced lettering, and accompanies it with not too many short remarks, in which reference is also made to the criticism of Kalonymos b. Kalonymos. With regard to correctness the text presented here by Last is much more carefully restored than that of his former Kaspi edition (*Zehn Schriften*). The number of printer's errors is small, and emendations are only rarely required. The following series of corrections may conclude this article⁵:—

Page 3, line 1, for **לוֹאָה** read **לוֹאָה**.—Ib., l. 22, read **כאסיפת**.—P. 6,

¹ כיודע אני שהשומרים ירע בעיניהם כי לא אעשה פי' מלות בלשוננו לשון רומי ושאתחיל זה משם בראשית עד שם ישראל איש לא יפקד אבל אמרתי יעשה זה ע"י זולתנו כי יש לנו עסקים אחרים.

² See *J. Q. R.*, XVII, 800-807.

³ On note 4 of the editor cf. especially my work: *Aus der Schrifterklärung des Abulwalid Merwan Ibn Ganâḥ* (1889), p. 28 f.

⁴ See also p. 110: **הפילוסופים מעמנו השומרים תורת משה**.

⁵ See also the list of corrections on p. 175 f.

note 1, for הר"ם read הר"ם.—P. 10, l. 16, read עיוות (= עיוות).—P. 17, l. 22, read יִתְּנָה.—P. 21, l. 10, for כנעני read כנענה.—P. 23, last line but one, for ההוא read ההיא (this error, ההוא for ההיא after הארץ, occurs again very often, and seems to be based on the MS.).—P. 28, l. 23. Before השם supply מן.—P. 30, l. 15, for מניע read מניע.—P. 33, l. 25, for חושבים read חֲשָׁבִים.—P. 35, l. 17, for בכלם read בכללם.—P. 54, l. 25, for י"ד read נ"ד.—P. 55, l. 21, for ענה read עָנָה.—P. 56, l. 19, for יוער read ייער (יַעַר).—P. 58, l. 1, for הבחירים read בדברים (cf. p. 72, l. 26, והתנועות הבחירות; p. 79, l. 1, בדברים).—P. 62, l. 20, for הכוללות read הכוללת.—P. 64, l. 6 from bottom, for ממוניו read ממיניו; for מאישיו read מאישנו.—Ib., l. 2 from bottom, for מכונתי read מכוונתי.—P. 67, l. 19, for הירועה read הידועה.—P. 68, l. 6, for תכופות read תקופות.—P. 81, l. 4, for הבחוריים read הרברים הבחוריים.—P. 85, l. 1, for בראותה read בראותו.—P. 88, l. 5, for התבורדת read התבורדות.—P. 102, l. 1, for נשאה read נשא.—P. 122, l. 7, for והאמרים read והאמירים (plur. of אָמִיר).—P. 124, l. 7, for ואילו read וואילו.—P. 138, l. 23, for שפסקה read שנפסקה.—P. 143, l. 2, for גאלם read גלאם.—P. 150, l. 7, for סדורם read סדורים.—P. 163, l. 19, for ההטעה read ההטעאה.—P. 165, l. 25. The editor does not understand the words כי עדות הוא קבוע מעדת המצבה and puts an interrogation mark. But for מעדת we must read מערה; the words mean: עֲרוֹת (Deut. vi. 20) is plural of עֶרֶה (Gen. xxxi. 52).

The second part of the work will contain Ibn Kaspi's מצרף לבסוף: a running commentary on the Pentateuch, which is closely connected with the work in the first part. May the efforts of the diligent and self-sacrificing editor on behalf of the publication of Ibn Kaspi's works be attended with fruitful results!

W. BACHER.

BUDAPEST, June, 1905.

DR. LÉVY'S MAIMONIDES.

La Métaphysique de Maimonide, par LOUIS-GERMAIN LÉVY, Rabbín de Dijon, Docteur ès lettres. Dijon, Imprimerie Barbier-Marilier, 1905. Pp. 149.

CONSIDERING Maimonides' colossal services in the orderly arrangement and systematization of Rabbinic thought, it seems a strange irony of fate that his own philosophic masterpiece should need

similar re-arrangement and systematization. And granted that such re-arrangement and abridgement were desirable for some purposes, Dr. Lévy's monograph may be recommended as a useful and very readable summary of the philosophy of Maimonides. Those who have not the time or inclination to attack the *Guide for the Perplexed*, will find here a reliable account of the salient features of the cosmic and religious philosophy of our greatest mediaeval thinker. Students of the *Guide* may also welcome this compendium, the value of which is considerably enhanced by constant references to sources. The subjects are treated in the following order:—Préparation à la métaphysique (notions métaphysiques générales); Dieu (existence de Dieu, nature de Dieu); le Monde (le monde supérieur, le monde inférieur, la création); Rapports de Dieu avec le monde (omniscience, providence, finalité, le problème du mal, le miracle); l'Âme (connaissance, prophétie, liberté et immortalité). A full bibliography is also given.

A. WOLF.

DR. MENDES' JEWISH RELIGION.

The Jewish Religion Ethically Presented, by H. PEREIRA MENDES.
New York, 1905. Pp. 188.

"Ethically presented" is a provoking superfluity in the title of a book on Judaism. The phrase only invites misapprehension by suggesting that the Jewish religion may also be presented otherwise than ethically. It would have been far better if the subject had been more "logically" presented. The ethical side of Judaism can take care of itself; no accurate account of it can be anything except ethical. But logical treatment, let alone loftiness of style, that is another matter. This is where the book before us is very disappointing. Unnecessary repetitions, extravagant fancies, and inexactness of language all betray this radical weakness. It seems not improbable that by "ethically" the author meant "homiletically," for the book has all the features of a certain class of homilies. The book, however, contains a rich store of Bible texts, which may be turned to good account; but care must be taken to avoid an occasional mistranslation or misapplication (e.g. on p. 125, Hos. xiii. 14 is adduced in support of immortality). A "Jewish Glossary" forms a somewhat significant appendix.

A. WOLF.

DR. S. A. HIRSCH'S BOOK OF ESSAYS.

A Book of Essays, by S. A. HIRSCH, Ph. D., Joint Editor of the Greek Grammar of Roger Bacon and a Fragment of his Hebrew Grammar. Published for the Jewish Historical Society of England by Macmillan & Co., Limited, London, 1905. Pp. xiii, 336.

The Jewish Historical Society is to be congratulated on the publication of this sumptuous volume, which contains something for everybody, and should yield both pleasure and instruction to readers of diverse tastes and tendencies. Themes new and old, learned and popular, rub shoulders here. Yet the mode of treatment throughout is so fresh that the erudite becomes bright and popular, while the popular has dignity and distinction. The eight essays included in the book are each complete in itself, yet not altogether mutually disconnected. Three of them—"Early English Hebraists: Roger Bacon and his Predecessors"; "Johann Pfefferkorn and the Battle of the Books"; "Johann Reuchlin, the Father of the Study of Hebrew among Christians,"—present us with a connected account of the advancement of Hebrew learning in Christian Europe. Three other essays—"Israel a Nation"; "Jewish Philosophy of Religion and Samson Raphael Hirsch"; "A Survey of Jewish Literature,"—give us a fairly full account of the author's philosophy of Judaism. The two remaining essays are devoted to "The Jewish Sibylline Oracles," and "Some Literary Trifles." The volume also contains eight interesting illustrations—Roger Bacon, and two facsimiles of pages from his MSS.; Johann Reuchlin, and a facsimile of two pages of his musical notation of the Hebrew accents; Samson Raphael Hirsch; Two Sibyls (after Rafael); J. v. Vondel. Readers of the *J. Q. R.* will recognize old friends in six of the essays, while yet a seventh seems to have cast its shadow across these pages as the indirect cause of the discussion on the character of Jewish literature (vols. XV and XVI). Two of the essays, treating as they do of present-day problems, may claim our special attention here.

"Israel a Nation" grapples with the question of Jewish nationalism, which Zionism has brought into prominence. It was read at the Zionist Conference, 1898. "How," asks Dr. Hirsch, "can it possibly be denied that the Jews constitute a nation? I shall not dwell on the minute psychological traits that are hardly observable to the naked eye, and a number of which combine in the composition of a national body. It is enough for our purpose to know that those distinguishing marks through which nation differs from nation ac-

according to the most rough-and-ready estimate, are extant in greater numbers in our Jewish nation than in any other of those that exist at the present day. What we Jews all over the world have in common is our ancient religion, our associations with our ancient land, our ancient language, our sacred literature, our glorious and unique history, and our descent. Which other nation at the present day can show such a combination of so many elements of cohesion?" The impartial consideration of this question has probably suffered in the heat of recent controversy. It happens not uncommonly that the aggressive advocacy of a policy goads its opponents to the denial of things much less disputable, which, rightly or wrongly, are adduced in support of that policy. This is what Zionism seems to have done for the question of Jewish nationalism. If by claiming to be a "nation" we mean no more, possibly even less, than is implied in the above extract, then the claim seems valid enough. Etymologically, at all events, the word "nation" simply indicates common descent. And that much can scarcely be denied us with any justice, even if it be allowed that our descent is not "of that unalloyed purity that we would fain believe in." The trouble begins when Jewish nationalism is identified with political Zionism. The recognition of our common descent and of our associations with our ancient land does not yet necessarily imply an urgent wish to renew those former intimate associations with Palestine, much less does it imply any readiness to participate in, or even to approve of, a political agitation for the re-acquisition of our ancient land. Political Zionism is thus a very different thing from Jewish nationalism; one may or may not have serious objections to the former, on economic, social, political, or religious grounds, but it does not seem clear how one can legitimately deny the latter. Moreover—as is partly shown in the essay on Jewish literature, and in the discussion above referred to—Jewish history, Jewish literature, and the Jewish religion have certain peculiarities which make it difficult to see how one can mark them off for specific treatment without assuming the existence of a Jewish nation, whose history, literature, and religion they are. The philosophical historian may perhaps discover some peculiar vein running through them, and characterize them that way; but, in the first instance, this history, this literature, and this religion are Jewish just because they are the history, the literature, and the religion of the Jewish nation. Moses Mendelssohn, it may be pointed out, had no compunction about referring to his people as a "nation." Zionism, and every acute manifestation of national self-consciousness, may be the result of anti-semitism, but our nationalism (as Dr. Hirsch rightly maintains) is not.

Some may find it strange that Dr. Hirsch, despite his national enthusiasm and his attachment to the Holy Land, has not joined the Zionist movement. The answer, however, is probably to be found in the sixteenth of the *Nineteen Letters of Ben Uziel*, which contains the following reference to Israel's future restoration: "For this future, which is promised us in the glorious predictions of the inspired prophets, whom God raised up for our ancestors, we hope and pray; but actively to accelerate its coming were sin, and is prohibited to us, while the entire purpose of the Messianic age is that we may, in prosperity, exhibit to mankind a better example of 'Israel' than did our ancestors the first time, while hand in hand with us the entire race will be joined in universal brotherhood through the recognition of God, the All-One." Having regard to our author's keen sympathy with his distinguished namesake, our conjecture is not improbable.

This brings us to the essay on Jewish Philosophy of Religion and Samson Raphael Hirsch. Our author makes no secret of his profound veneration for the famous Frankfurt Rabbi. In fact, he is particularly anxious to rouse the suspicion that he is suffering from what Macaulay calls *lues Boswelliana*, the disease of admiration to which biographers and exponents of other people's writings are peculiarly exposed. And his eminent success in this respect inevitably leads one to suppose that in expounding the religious philosophy of the Rabbi of Frankfurt, he is at the same time explaining his own. It is a powerful essay, though in some respects as provoking as it is interesting.

Modern Judaism is taken severely to task, and subjected to a searching criticism. "This 'Modern Judaism' is very, very old. It is as old as Judaism itself." This admission is not exactly meant to be complimentary. Still one has to be grateful for small mercies, seeing that even great Rabbis are not always ready to admit that the path of liberal Judaism is at least as old as any other. When, however, Dr. Hirsch proceeds to call modern Judaism an "anachronism," "a relic of discarded scientific procedures," and similar pretty epithets, the paradox becomes exasperating.

We readily admit that the denunciation against excessive "squeezing and lopping of poor Judaism" contains much that is true and just; but the practice is not monopolized by liberal Jews, far from it. But, whereas official orthodoxy is mostly content to bury its head, like an ostrich, and goes on pretending that all is well in this best of all possible worlds, liberal Judaism looks facts in the face, and strives to meet the reasonable demands of the times. For the rest, some of Dr. Hirsch's declamations may be heard from the

liberal pulpit as from any other; while conservative Rabbis will experience no difficulty to pick out from among their flocks, and even their synagogue dignitaries, not a few who practise the gentle art of "squeezing and lopping poor Judaism" as recklessly as any. So much as regards the practical side of the issue. Let us see now on what grounds modern Judaism is described as "a relic of discarded scientific procedures."

"The characteristic of modern science," says Dr. Hirsch, "is this; that it does not try to construe *a priori* that which can be grasped by the senses; that it does not build up from some preconceived notions arbitrarily posited truths about things which can be brought within the scope of observation. . . . The so-called 'Modern Judaism' failed, and fails to this day to participate in this progress of the time, to utilize the improved method of reasoning. It continues its attempts to construe *a priori* that which is above all a subject of observation; to ignore phenomena if they contradict the preconceived notions from which it tries to construe a Judaism as it should be." Happily, the orthodox Rabbi of Frankfurt succeeded, according to our author, where modern Judaism failed, and still fails. "It is the merit of Samson Raphael Hirsch to have applied to Judaism the improved methods of reasoning," and Dr. Hirsch cannot do better than let this master of method himself explain the keystone to that whole system founded on those improved methods of reasoning. The elucidation is to be found "in a few words modestly put as a note under the text" of the eighteenth of the *Nineteen Letters of Ben Uziel*. Here is the note, slightly abridged:—

"Two revelations are given us, Nature and the Torah. For the investigation of either only one method exists. In Nature the phenomena are facts; and we are intent to spy out *a posteriori* the law of every one and the connexion of all. The proof of the truth, or rather of the probability, of our assumptions is again Nature itself, by the phenomena of which we have to test our assumptions, so as to reach the highest degree of certainty ever attainable, namely, to be able to say: Everything actually is as if our assumptions were true; or, in other words, All phenomena brought under our observation can be explained by our assumption. One single opposing phenomenon therefore makes our assumption untenable. . . . Whenever and as long as we have not been able yet to discover the law and the connexion of any phenomenon, which exists as a fact, the phenomenon itself remains a fact for all that. Exactly the same it is with the investigation of the Torah. The Torah is a fact like heaven and earth. The Torah, like Nature, has God for its ultimate cause. A fact can be ignored in neither, even if cause and connexion

is not discovered. . . . As in Nature the phenomenon remains a fact although we have not comprehended it yet as to its cause and connexion, and its existence is not dependent on our investigation but vice versa, thus also the components of the Torah remain the law even if we have not discovered the cause and connexion of a single one."

The reasoning looks very plausible at a glance, and would have been accurate enough, but for the dexterous insertion of two monosyllables in the last sentence. I mean "the law." These two monosyllables make all the difference. Without them the argument is valid, but our Rabbi misses his point; with them our Rabbi gets his point, but the argument breaks down utterly. The argument, in so far as it is really logical, amounts to this:—Nature and the Torah are both parts of that total reality of which God is the author; in both alike we must discriminate between the facts and the interpretations or explanations of those facts; in both the adequacy of an explanation depends on its covering the facts concerned, or, if you like, on the facts fitting into the explanation; in any case, whether a satisfactory explanation of the facts has been discovered or not, the reality of the facts is beyond dispute; hence the "components of the Torah remain" indubitable facts, whatever explanation we may suggest, or fail to suggest, as regards their composition and value. So far, so good. That, however, is yet a long, long way from sustaining the inference that these "components of the Torah remain *the law*." For the actual facts constituting "the components of the Torah" are, of course, capable of diverse explanations—the explanations of the higher critics, for example, are not those of our Rabbi. But in adding those innocent-looking monosyllables, which at first sight make the assertion look like a "trifling" proposition, our Rabbi has gone a long distance beyond the bare facts, and has already taken his stand on a particular explanation of those facts. And to take a particular explanation for your starting-point, to count it as one of your facts, that is not characteristic of the improved scientific method which our author lauds so much, but rather of the *a priori* method, which he condemns as an anachronism. If it be urged, in mitigation, that the particular explanation is really included among "the components of the Torah," yet the fact of the explanation is one thing, its validity is another, and to assume its validity is only one (not the only one) explanation of that explanation regarded as a fact, that is, as a record.

Whatever one may say of modern Judaism, yet to describe it as "an anachronism, a relic of discarded scientific procedure, a lagging behind the progress and development of knowledge of modern times,"

is as unjust as it is paradoxical. The modernity of modern Judaism, the motive power that brings it into being, consists in that very desire to follow out scientific methods more consistently. This necessitates a much more accurate discrimination between facts and explanations, and between the fact of an explanation and the validity of that explanation, than seems to satisfy our critics. Moreover, Judaism can scarcely be said to be treated in accordance with "the improved methods of reasoning," unless due attention is also paid to the facts outside the Torah. In the above quotation, it is true, our Rabbi implies as much. "Two revelations (he says) are given us, Nature and the Torah. . . . One single opposing phenomenon . . . makes an assumption untenable." As a rule, however, our non-modern Rabbis have a knack of dismissing Nature with a compliment, and taking no further notice of her. The modernity of modern Judaism consists in taking these propositions seriously. The most scientific explanations of Nature and History are liable to disturb some of those views which go to the making of our religion. And the "modern" Judaism of every age is called into being by the need of re-adjustment.

Having given vent to our only grievance, we hasten to repeat our high estimate of Dr. Hirsch's book. The essays are all admirable. Even "Some Literary Trifles" is so good that it supplies a telling rejoinder to the author's own protest against people who "try to find out the sense of some allusion to things Jewish" in every author.

A. WOLF.

DR. FROMER'S JUDAISM.

Das Wesen des Judentums, von Dr. J. FROMER (Elias Jakob). Berlin, Hüpeden & Merzlyn Verlag, 1905. Pp. 183.

THIS monograph is one of a series devoted to "Kulturprobleme der Gegenwart." Its red covers seem to foreshadow the sensational treatment of the Jewish question in which our author's temporary rancour finds vent. The *Introduction* consists of a brief autobiography, in which Dr. Fromer tells the now commonplace story of early Ghetto life and subsequent self-emancipation. One is reminded of poor Solomon Maimon, who emancipated himself from the drawbacks of the Ghetto, but, unhappily, also from much besides. Born in Russian Poland our author left home in his twentieth year, spent some time in Galicia as a teacher of Hebrew, and then studied Semitics and philosophy at a German university, where he obtained

his Doctor degree. In 1900 he was appointed librarian of the Jewish library in Berlin, but forfeited his appointment in 1904, in consequence of an article which he published in the *Zukunft*, and which is the basis of the present monograph.

The mere fact that an autobiography ushers in what purports to be an objective treatment of the subject, coupled with the antecedents just mentioned, can scarcely be said to augur well for an unbiassed treatment of the Jewish question. And, on the whole, one's suspicions are realized, for, though the book is full of admissions which the really impartial reader cannot fail to construe in our favour, yet they are not unlike the blessings of a certain pagan prophet of old. With such pleasant anticipations let us turn to the diagnosis of the Jewish question, remembering, of course, that to trace the cause of Jewish disabilities to the cruelty, intolerance, or blindness of our oppressors would be nothing novel or sensational.

The result of the new and original diagnosis of the Jewish question is this: Judaism, and Judaism alone, is the cause of anti-semitism. With lightning rapidity our author follows up the entire course of Jewish history, finds out that Jewish history is all shadows with scarcely any redeeming light. Those who believe or make believe in bright patches of philo-semitism in Jewish history are either fools or knaves. Hatred has always followed the Jews everywhere, like their very shadow. It must, therefore, be due to something inherent in them. It is due to Judaism, which carries hatred with it wherever it goes, inasmuch as it teaches an ideal which is different from that of other peoples, whose ideal it actually combats. The fundamental idea or ideal of Judaism is the supremacy of "Ethics" and utter antagonism to "Aesthetics" and "Logic"; except in so far as these may serve some moral purpose. Among other peoples, on the contrary, "Aesthetics" holds the place of supreme honour. They live in the present and enjoy it. They do what they please, and follow the promptings of their senses. If the pursuit of pleasure turns out to be disastrous, well then, they pay the penalty and perish. But they do not want to live for ever, either as individuals or as nations. They prefer a pleasant, if brief, moment to a long life full of troubles. The difference, or rather conflict, of ideals causes ceaseless friction between Jews and non-Jews, and this is further aggravated by the reflection that, through our obstinate devotion to the supremacy of the ethical ideal, the Jewish people form the only exception to the law of eternal flux in the rise and decline of nations. To most people all this, even allowing for exaggerations, may seem a eulogy of the Jews; but our author is a disciple of Schopenhauer, and intends the very opposite of flattery.

The supremacy of the ethical ideal in Judaism is obvious, though our neighbours will surely resent the offensive compliment which our author pays them in suggesting that they do not acknowledge the supremacy of the moral ideal. But is it true that Judaism combats what our author calls Aesthetics and Logic, that is, the True and the Beautiful, as such? Judaism combats the immoral, be it never so disguised; but that is a very different thing. As for the Beautiful, are not the *Song of Songs* and the nature-poems of the Bible monuments of aesthetic appreciation? Dr. Fromer disposes of the *Song of Songs* by a reference to its allegorical interpretation. Since when, however, does the Beautiful cease to be beautiful through association with the True and the Good? Observe the striking combination in the Scriptural phrase "beauty of holiness." The chief evidence which our author brings forward in support of his theory consists of passages in which Scripture denounces idolatry (such as the descriptive satire in Isaiah xlv). Bias has so blinded our impartial author that he fails to see the very obvious character of all such passages, namely, that they strive *for the True, not against the Beautiful*. And when he proceeds to show how Judaism has always been opposed to what he calls Logic, one begins to suspect him of having rashly judged his co-religionists by his own logic or the want of it. The only relevant evidence adduced is that the Bible countenances miracles. As though miracles were not characteristic of the early history of science as much as of the early history of religion! And he goes from bad to worse when he makes Judaism indifferent even as regards religious truths, and mainly concerned with ceremonial. He bases his view on a passage which occurs in the introduction to the Midrash on Lamentations, but the meaning of which he has obviously failed to grasp. The Midrash says: *כתיב ואותי עזבו ואת תורתִי לא שמרו. הלואי אותי עזבו ותורתִי שמרו. מתוך שהיו מתעסקין בה המאור שבה היה מחזירן למוטב. רב הונא אמר למוד תורה אע"פ שלא לשמה שמתוך שלא לשמה בא לשמה.* This is how Dr. Fromer renders the opening sentences of the Midrashic passage. "Und mich haben sie verlassen und meine Gebote nicht beobachtet." Ich wünschte, sie hätten mich aus dem Spiele gelassen und nur meine Gebote beobachtet." Could anything be more perverted than this "translation"? Yet our author has no doubt that it means, as he goes on explaining it to mean, that Jews are not to concern themselves about religious truths, not to trouble about God even, but simply observe the prescribed ceremonies, &c. Of course, all that the Midrash really urges is, that even in times of doubt we should still continue to occupy ourselves with the Torah,

that is, to study it, and our continued occupation with the Torah will eventually reclaim us for God and goodness. Our author also cites Moses Mendelssohn's remark that Judaism has no dogmas; but he does not understand the exact sense in which Mendelssohn used the word "dogma." The author of *Morgenstunden* and *Phädon* was the very last person to be accused of thinking that Judaism is indifferent about, say, the existence of God, and immortality.

It is not worth while following our author much further. His use of choice passages from Rabbinic literature is occasionally such as has already long ago made us regret that the Rabbis had not been warned to talk seriously at the approach of a fool; and, in his eagerness to show up the ignorance and hypocrisy of German Rabbis, he even stoops to make capital out of a friendly jest. However, having shown, to his own satisfaction, that the cause of Jewish suffering is to be found in Judaism, and nothing else, the remedy he suggests is, of course, for Jews to forsake Judaism and be merged in their Gentile environment. Several times, indeed, he has occasion to point out that there are many born Jews that have abandoned Judaism, and suffer from intolerance none the less; but he does not seem to observe how this admission affects his theory that Judaism is the exclusive cause of anti-semitism. And the crowning point of his logic is reached when, in the name of Justice, he appeals to the Gentile world to promote the absorption of Jewry, and so terminate Jewish suffering. Why in the name of *Justice*, if Jews alone are to blame for their sufferings? And why in the name of a *moral ideal*, if our devotion to "Ethics" is at the bottom of all the mischief?

A. WOLF.

STEINSCHNEIDER'S BIBLIOGRAPHY OF JEWISH HISTORY.

Die Geschichtsliteratur der Juden in Druckwerken und Handschriften, zusammengestellt von MORITZ STEINSCHNEIDER. I. Abteilung: Bibliographie der hebräischen Schriften. (Frankf. a. M., Kauffmann, 1905. xii + 190 pp. 8vo. 6 mark.)

IN the year 1850 appeared in Ersch and Gruber's *Realencyclopädie* (vol. XXVII, pp. 357-471) Steinschneider's article "Jüdische Literatur," which is of fundamental value to the present day, and is still the only scientific and critical exposition of this wide domain. Since that time the author, as we learn from the preface of the work under notice, has devoted special attention to the historical side of

this literature, and made a critical study of particular periods and individual phenomena in various books and essays. At last, after a lapse of fifty-five years, he has succeeded in presenting us with a complete bibliography of this branch of literature, which possesses all the merits of all such works by our *grand old man*: a complete mastery of the material, a critical judgment free from personal bias, a consideration of all the literary sources bearing on the subject, in addition to exemplary accuracy, restrained brevity, and terseness of expression.

Jewish literature is not very rich in historical works, in the real sense of the word, which is determined by various factors. In the first place, the historical sense, although not absent—the Bible is already history for the most part—does not seem to have been present, not even to the same degree as, e.g., among the Arabians. One has only to represent how such a great mind as Maimonides expressed himself slightly over this branch of literature. Then it is to be considered, that since the last two thousand years, our history has been a history of suffering, bearing out the ancient dictum: *אם באנו לכתוב אין אנו מספיקין*. That history should deal, above all, not with political but intellectual development, and should consist not of stories of battles, but of spiritual triumphs and those who achieved them, is a discovery of quite modern times. We can therefore understand why this latest work of Steinschneider, which begins with the Talmudical period and goes down to 1900, comprises only a little more than 300 numbers, although the *termini* are pretty wide apart, so that historical materials, documents, statutes, reports, &c., the history of individual personages and of scholars, are all included. The only thing excluded is the history of literature.

The first part now before us comprises only Hebrew works, among which are also to be understood works in Hebrew characters (Arabic, Spanish, Judeo-German). The non-Hebrew works are to form a second part. The author has been assisted in this first part by two of his former students, A. Marx of New York, and A. Freimann of Frankfurt-on-the-Main. In addition, Fräulein Adeline Goldberg, Steinschneider's trusty collaborator during recent years, has been of valuable assistance in the correction of proofs, so that this work is dedicated to her, "to the tried friend" (*der bewährten Freundin*).

The book begins with some introductory remarks on the historical Haggada (§§ 1–3), to which Zunz (as is well known) devoted a chapter of his *Gottesdienstliche Vorträge*; on the importance of the authority for fixing the Halacha (§ 4), which became a motive for the history of scholars (see the Chain of Tradition in tractate *Aboth*); and on the legend (§ 5) associated with Biblical and post-Biblical personages,

and contained in certain late minor Midrashim (e.g. דברי הימים של &c.; מדרש אלה אזכרה, מעשה דר' יהושע בן לוי, משלים של שלמה, משה, &c.; it should be added also the ספר הישר, &c.). Then follows a description of the oldest chronological-historical works of the Talmudical and Geonic period, such as סדר עולם (§ 6), מגלת תענית (§ 7), סדר עולם (§ 9), סדר תנאים ואמוראים (§ 11), *Eldad ha-Dani* (§ 13), the *Letter of Sherira* (§ 18), &c. The first real historical work in Hebrew is the *Josippon*, so that the description of it is preceded by a short masterly characterization of the new points of view for the historical literature to be considered (pp. 26-28); then we come to a thorough description of this historical work (§ 19), which Steinschneider, like Zunz, assigns to Italy in the tenth century. In unbroken chronological sequence there follows an account of historical literature, firstly of the middle ages (§§ 20-90: the last mentioned work is the שבט יהודה of Solomon ibn Verga), then in an appendix (§§ 91, 92) various items with regard to the middle ages, "which one might look for in this bibliography, owing to the information they contain" (e.g. David b. Merwân al-Mukammas' notices about Jewish sects; Moses ibn Ezra's poetry, &c.). We then reach modern times (§§ 93-311; till 1900), works of unknown period (§§ 312-317), additions and corrections (pp. 172-182), which are mostly due to Marx and Freimann, and finally a list of titles (pp. 183-190). An index of authors, editors, and places, is to be given in the second part for the entire work.

As the work under notice has the character of a *bibliography*, absolute completeness is a matter of impossibility even for a Steinschneider. This is especially true with regard to the most recent Hebrew literature, which appears in all corners of the world and often escapes all bibliographical control. Even here, in Warsaw, where most Hebrew printed books are published now, it is impossible to follow all new publications, let alone in the West. It should therefore be the task of everybody who is interested in this branch of literature to provide supplementary lists, I shall accordingly set forth here such a list, however unimportant.

Of the middle ages I have only to add Sahl b. Maṣṣliah's Hebrew introduction to his Arabic law-book, which Harkavy has edited in his מאסף נדרים I, no. 13 (= המליץ 1879, cols. 639-643), and which contains many valuable notices about the condition of the Jews in Jerusalem in the tenth century (see *R. É. J.*, XLVIII, 154). Then a fragment of a travel-story by a Prince Jacob of Susa, who is said to have visited the "sons of Moses" beyond the Sambation, between 1240 and 1276, and brought back with him various information (likewise edited by Harkavy in חדשים גם ישנים II, 1, published in

הגת, supplement to המליץ, 1898, pp. 65-68), so that he belongs to the same class as Eldad and the other "correspondents" of the בני משה (§ 176).—With regard to modern times I may mention the fragment of a Hebrew and Arabic account of the conquest of the Island of Rhodes under Suleiman II in 1582 (ed. Harkavy ib., pp. 68, 69), and letters by Frankists to the Jewish communities of Bohemia, from the years 1767-1773 (ed. Porges in *R. É. J.*, XXIX, 282 seq.; a German translation in P. Beer's *History of the Jewish Sects*, II, 329-339). Of the nineteenth century I notice the following works:—

1. Zaccarie (Heb., Issachar Hājim) Carpi, of Revere in Italy, took part in the Italian struggle for liberty, 1779-1801, but was nevertheless exiled from his native country. He wrote an account of his experiences, which Giuseppe Jaré has edited under the title תולדות י'ש'ח'ק (Cracow, 1892, 16 pp.).

2. Meir (Marcus) Fischer, קורות שנות קדם, a History of Rome, part I, Prague, 1812 (Benjacob 527, no. 329).—תולדות ישראל, history of the Jews under the reign of Mahdi and Imam Edris in Mauritania, ib., 1817, 86 + (2) pp.

3. Baron Korf, at the command of Tsar Nicholas I, wrote a history of his ascent to the throne in 1825 (Revolt of the Decabrists), translated into Hebrew by A. B. Gottlober under the title of יום הזכרון, Lemberg, 1878, 131 pp.

4. Jehuda Löb Germaise, תולדות רוסיא, a History of Russia, translated from the German, part I, Sudilkow, 1836 (Benjac. 620, no. 164).

5. Shalom Cohen, the continuator of the Meassfim (1772-1845), קורא הדורות, History of the Jews from the Maccabees to the Present Time, part I, till the destruction of the second Temple, with a letter by Rapoport on various place-names in Palestine, Warsaw, 1838, (12) + vi + (2) + 279 pp. (Benj. 527, no. 319). Part II, till the middle of the thirteenth century, exists in manuscript form in the library of the Warsaw Synagogue (160 pp., small 4to).

6. Feiwel Schiffer, תולדות נאפאלעאן, History of Napoleon I and his reign, Warsaw, 1849, 264 pp. (Benj. 620, no. 153).

7. Baer Kestin, מחברת מסע מצרים, History of Napoleon's Expedition to Egypt (to a certain extent a complement of the preceding), translated (from the German), and various other things, Warsaw, 1861, (8) + 118 + (2) pp.

8. Acher Amschejewitz, שם עולם, History of the Persecution of the Jews in Morocco in 1863, and of the intervention of Moses Montefiore, Warsaw, 1864, 64 pp.

9. A. B. Gottlober, בקרת לתולדות הקראים, critical investigations

into the history of the Karaites (according to Jost, Graetz, and Fürst, as well as some researches, not without value), Wilna, 1865, vi + 226 pp.

10. S. J. Abramowitz, **דברי הימים לבני הרוסים**, a short History of Russia, translated from the Russian, part I, Odessa, 1868, 43 pp. (Wiener, **קהלת משה**, p. 267, no. 2194).

11. Joseph Eliezer Epstein, **דברי הימים למלכי רוסיא**, History of Russia according to Russian sources, Wilna, 1872, 200 pp. (ib., no. 2195).

12. Solomon Mandelkern, **דברי ימי רוסיא**, History of Russia till the ascension of Alexander II, three parts, Warsaw, 1875 (ib., no. 2197).

13. E. Roller, **המלחמה והמצור**, History of the Franco-German War in 1870–1871, Amsterdam, 1878; (24) + 178 + (2) pp.

14. Wolf Kurman, **קצור דברי הימים**, Short History of the Jews till the destruction of the Second Temple, Hebrew and Jud.-German, Warsaw, 1882 (Wiener, 264, no. 2164).

15. Joseph Kohn Zedek, **אהלי שם**, History of a Jacob b. Isaac of Madrid, who was condemned to death in 1490 on a charge of ritual murder, but who was saved in Granada through the discovery of the child said to have been murdered. London, 1883, 112 pp. (Wiener, 42, no. 343).

16. Julius Lippert, **תולדות השלמת האדם**, *Culturgeschichte*, translated by David Frischmann, four parts, Warsaw, 1894–1901.

17. M. Güdemann, **התורה והחיים בארצות המערב בימי הביניים**, *Geschichte des Erziehungswesens und der Cultur der Juden im Mittelalter*, translated by A. S. Friedberg, three parts, Warsaw, 1896–1899 (see *R. É. J.*, XXXIX, 138).

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19. Jacob Frenkel, **תולדות היהודים**, popular Jewish History for the young (not yet finished), 5 parts, Warsaw, 1897–1902.

20. A. Berliner, **חיי היהודים באשכנז בימי הביניים**, *Aus dem Leben der deutschen Juden im Mittelalter*, translated from the second edition by I. A. Bernfeld, Warsaw, 1900, 80 pp. (cf. *Berliner-Festschrift*, p. xii).

I shall now follow this supplement with a series of observations on different passages in Steinschneider's work:—

P. 2, l. 18. An example of the **מגלת יוחסין** is preserved in the Talmud (*Jer. Taanith*, 68 a 45; cf. Isr. Lévi, *R. É. J.*, XXXI, 209), and

other passages too (see Zunz, *Gottesd. Vorträge*, 1st ed., p. 128), from which conclusions can be drawn as to their character.—P. 7, n. 1. On *حسبن عيلم* in Arabic literature, see also *Z.D.M.G.*, LVIII (1904), 658, 774.—P. 8, l. 1. On the passage in *Seder Olam*, cap. 30, also the ingenious investigations of Joseph Lehmann in *R.É.J.*, XXXVII, 1 seq.—ib., § 7. The latest edition of the *מגלת תענית* is that with a large introduction, and a commentary by M. Grossberg (Lemberg, 1905), which pretended to be critical, but which is of little value.—P. 10, l. 4 from below. The Geniza Fragments about Bostanaï edited by Schechter (*Saadyana*, no. xxxvi-xxxvi a) are two Geonic Responsa about the matrimonial relations of this Exilarch, which were hitherto known only from an incidental mention in a published responsum of Hai or Sherira, see my *Schechter's Saadyana*, p. 5.—P. 17. To the editions of Eldad must further be added one with a Russian translation by P. Margolin (*שלשה בעלי מסעות*, St. Petersburg, 1883; the other two are Benjamin of Tudela and Petahya of Ratisbon).—P. 19, l. 4. All documents relating to the dispute of Saadiah with Ben Meir, hitherto known, are compiled and annotated by H. J. Bornstein (*מחלקת רב סעדיה גאון ובן מאיר*, Warsaw, 1904; with regard to my assistance, to which attention is not called, see *R.É.J.*, XLVIII, 149, n. 1). There have since appeared the Genizah Fragments edited by Hirschfeld, *J. Q. R.*, XVI, 290 seq.—P. 20. The correspondence of Hisdai with the King of the Chazars appeared also with a Polish translation by Bielowski, *Monumenta Poloniae historica*, vol. I (Lemberg, 1864), p. 51 seq.—P. 21, l. 5 from below. The Arabic original of the Report of Nathan ha-Babli has just appeared in a Geniza fragment edited by I. Friedlaender, in *J. Q. R.*, XVII, 747 seq. The assumption of Halevy (*דורות הראשונים*, III, 149 seq.), that the report concerning the privileges of Sura (*ואלו' המעלות שנתעלתה בהם ישיבת סורא וכו'*) does not emanate from Nathan, thus receives support, see *J. Q. R.*, ib. 752. Cf. also my forthcoming monograph on Dosa b. Saadiah in *הגרן* VI, and the literature given there.—P. 24. A French translation has appeared of the Letter of Sherira (*Épître historique du R. Scherira Gaon*, traduite . . . par L. Landau, Anvers, 1904; a feeble performance, see the review by Isr. Lévi, *R.É.J.*, L, 279, and by me, *Orientalist. Litt.-Zeitung*, 1905, no. 10).—P. 28, ult. About the editio princeps of *Josippon* see D. Günzburg, *R.É.J.*, XXXI, 283 seq., who promises a reprint. That part of *Josippon* which deals with the first Hasmonians (IV, 18–27) was translated by Mas'ûd 'Adhân into vulgar Arabic, under the title of *יאתיו השמנים* (Livorno, 1886; see my *Zur jüd.-arab. Litter.*, p. 21).—P. 36, l. 16. As I have shown in my study of Ephraim b. Shemaria

(*R. É. J.*, XLVIII, 152), the heads of the schools in Palestine adopted the title of Gaon even before the decay of the Gaonate in Babylon. This study also complements what is here said about the conflict between the descendants of "Aaron" in Palestine and the descendants of "David" in Egypt (ll. 4-5 should be corrected). See also further on p. 175.—P. 36, ult. On the custom of honouring the memory of the dead (הזכרת נשמות) see also Isr. Lévi, *R. É. J.*, XXIX, 43-60.—P. 39, l. 13. Another Vienna *Memorbuch* in the Fürth *Klaussynagoge* has been edited by M. Stern (*Berliner-Festschrift*, Hebrew part, pp. 113-130; see *R. É. J.*, XLVII, 146).—P. 41, l. 16. On the Nagid Meborach see finally my *Schechter's Saadyana*, p. 15, s. v., and *Zur jüd.-arab. Litter.*, p. 68, n. 1.—P. 44, § 29 b. As the כתאב אלתאריך is to be assigned to the tenth century, it must come rather soon after the *Josippon*.—P. 48, l. 17. On the Reports concerning David אלוואי, which all originate from Benjamin, see also Loeb, *R. É. J.*, XVI, 215 seq.—P. 49, ult. Of the recent editions of Benjamin's Travels must be noted, besides that of Margolin mentioned above, with a Russian translation, also that of Grünhut and M. N. Adler with a German translation (2 parts, Jerusalem, 1903-4; cf. Goldziher's critical notice, *Z.D.P.V.*, XXVIII, 1905, p. 151-154), and the not yet completed edition, with English translation, also by M. N. Adler, in *J. Q. R.*, XVI, 453 seq. On Benjamin see also the article by Bacher in *Jew. Encycl.* s. v. (III, 34).—P. 51, § 35. The מגלת זוטא was dealt with again by David Kohn in השלח, XV, 1905, pp. 175-184.—P. 53, § 38. On the legends concerning Samuel he-Chasid, see the valuable monograph of Epstein (שמואל החסיד), Berdyczew, 1904, from הנרן, IV; cf. also *R. É. J.*, XLVIII, 281).—P. 54, l. 11. The Encyclopaedia of Shemtob ibn Palquera, ראשית חכמה, was edited by M. David (Berlin, 1902).—P. 58, § 51. A minute description of the הזכרונות ס' is given by Cowley in his as yet uncompleted Supplement to Neubauer's *Cat. Bodl.*, no. 2797 (MS. Neub. 2585, which Steinschneider gives, contains something altogether different).—Ib., n. 1. The Testament of Eleazar b. Samuel is separately treated in § 56 (where, instead of 1257, read 1357).—P. 59, § 53. The story by E. T. Schapiro, הפורה ומציל (first edition, Warschau, 1864; 7th edition, ib., 1904) is translated from the *Gallerie der Sippurim*, and does not contain the narrative of an incident of the year 1344, but recounts the remission of the vow of Ferdinand I, to drive the Jews out of Bohemia, by the pope, Pius IV (see § 118).—P. 61, l. 23. The essay of S. (so read instead of Th.) Reinach on Samuel Zarza is printed again in his *Cultes, Mythes et Religions*, vol. I (1905), pp. 415-425.—P. 67, § 70. The story of a calamity in 1420 in Saragossa appeared also separately under the title of מגלת

סארגוסאנוס, Jerusalem, 1872 (5 pp., small 8vo).—P. 68, § 72. The *מַעֲשֵׂה שֶׁהָיָה בִּימֵי מַהֲרִ"ל* is now edited by David Fraenkel in *קבץ דברים נחמדים* (Husiatyn, 1902); cf. *Z.f.H.B.*, VIII, 131; IX, 62.—P. 69, § 74. The text of the statute of the communities in Castile, of the year 1432, was edited by Francisco Fernandez y Gonzalez (*Ordenamiento formado por los procuradores de las aljamas hebreas . . . de Castilla*, &c., Madrid, 1886). Cf. also Loeb's article, *R. É. J.*, XIII, 187 seq. (Heb. translation in Sokolow's *האסיה*, III, 1886, 133 seq.).—P. 73, l. 14 from below. Gross (*Gallia judaica*, p. 116) conjectures *פולג* to be a corruption of *בלגנצי*, that is, Aaron of Beaugency.—P. 93, l. 20. An edition of the greatest portion of the sixth section of the *Juhasin* has been published by Neubauer, after a newly-acquired Bodleian MS. (MS. Heb., d. 16; Cowley's Suppl. no. 2798), written 1564 (*Steinschneider-Festschrift*, Hebrew part, p. 209 seq.).—P. 97, § 103. On a MS. of the *מגלת מצרים* in private possession in Cairo, see Gottheil, *J. Q. R.*, XVII, 647, no. 67.—P. 106, l. 15. On the relation of Don Joseph Nasi to Siegmund August of Poland, see also the interesting documents ed. M. Schorr, *M. G. W. J.*, XLI, 169 seq.—Ib. l. 12 from below. The report that Moses Bashiatshi died at the age of 28 (read this for 27) is contained in a St. Petersburg MS. of his *מטה אלהים* (Neubauer, *Aus d. Petersb. Bibl.*, p. 121), but here 1555 is given as the year of his death.—P. 107, l. 11. To the editions of the *מאור עינים* must also be added, ed. Benjacob, Wilna, 1865.—Ib., l. 4 from below. On the names of the women of the first generations in Samuel Algazi see also my notice in Stade's *Z. A. T. W.*, XXV, 1905, p. 342.—P. 114, § 145. The history of Isaac Jeshurun is recounted also in the *Allg. Zeitung d. Judentums*, 1904, p. 511-12 (where the erroneous date 1544).—P. 119, § 165. On Isaac Aboab da Fonseca, see also Kayserling, *Jew. Encyc.*, s. v. (I, 74).—P. 131, l. 1. Loewenstein's essay on the family of Aboab has appeared in the meantime (*M. G. W. J.*, XLVIII, 1904, pp. 661-701).—P. 135, l. 12 from below. The *לבוש מלכות* of Mordecai b. Nisan is edited by Neubauer, *Aus d. Petersb. Bibl.*, Hebrew supplement, pp. 30-66.—P. 142. To the works against Neḥemiah Ḥajjun must also be added a letter by Abraham Segré of Casale Monferrato, ed. Berliner (*אוצר טוב*, XVII, 1890, pp. 13-20).—P. 159, § 281. A Russian translation of Levinsohn's *אפס דמים*, by I. N. Sorkin (St. Petersburg, 1883) also appeared, and a German translation by Albert Katz (*Die Blutlüge*, Berlin, 1892).—Ib. l. 3, from below. Goldstöff published also *קורות העולם*, Universal History till 1852, 2 parts, Vienna, 1858, Lemberg, 1860 (Benj. 527, no. 326).—P. 160, § 283. M. A. Günzburg was already cited before, p. 157, l. 3, from below.—P. 162, § 290. Schulmann has also translated the works of Flavius Josephus, of course not from the Greek original, but probably from

a German translation, namely, a part of the Antiquities (קדמוניות), part I, Wilna, 1864; corresponding to Books XI-XVI of the original), and the Wars (מלחמות היהודים), 2 parts, 2nd edit., Wilna, 1884).—P. 163, l. 8 from below. Deinard's little work כתות בישראל contains an *edition* of the *ומרת עם הארץ*, but the treatise on the "Sobotniks" in the Caucasus is by Deinard himself.—P. 164, l. 9 from below. The work on Frank is called פראנק ועדתו and is translated from the Polish original of Kraushaar (identical with the one mentioned on p. 182; cf. also *J. Q. R.*, VIII, 335).—P. 165, § 303. On Neubauer's *Mediaeval Jewish Chronicles*, vol. II, see also the critical notices by Bacher (*R. É. J.*, XXXII, 138 seq.), M. Friedländer (*J. Q. R.*, VIII, 336 seq.), and by the present writer (הצפירה, 1896, nos. 165-167).—P. 166, l. 1. A Hebrew translation of vol. III of Graetz's *Geschichte* appeared still earlier, by Abr. Kaplan, under the title דברי ימי היהודים (Vienna, 1875); then the beginning of vol. VIII, under the same title (the translator is not named), in the monthly review עמי בן ed. Kantor (4 sheets, St. Petersburg, January-April, 1887); a new one, entitled תולדות היהודים, by N. Sokolow, has begun to appear (Warsaw, 1905; fifteen sheets so far). A Judaeo-German translation of the popular History of Graetz (*Volkstümliche Geschichte der Juden*) was issued by J. Lerner (Warsaw, 1890 seq.; the same writer also published a short history, likewise in Judaeo-German, דיא יודישע געשיכטע פֿון נאך עזרא'ן בין היינטיגער צייט, Odessa, 1884, 235 pp.).—Ib., l. 6. A second edition of Jawitz's דברי הימים לעם appeared in Warsaw, 1892, also a general History of the World for the young, דברי ימי העמים, 4 parts, Warsaw, 1893.—Ib., l. 9 from below. Further materials for the history of the Jews, especially in Cracow, were published by Wettstein in the *Kaufmann-Gedenkbuch*, Hebrew part, pp. 69-84 (מפנקסי הקהל בקראקא, xvi pp.). Similar materials for the history of the Jews in Lithuania, by S. P. Rabinowitz, ib., p. 55 seq. (which is to be added on p. 167, l. 3).—P. 167, l. 13. Bernfeld has published also דור חכם, on the most prominent exponents of the Science of Judaism in the nineteenth century (Warsaw, 1896; 90 pp.), and a History of the Crusades, תולדות מסעי (ib., 1899, 3 parts; 86, 173, and 247+x pp.).—Ib., l. 6 from below. Of Sliwkin's המאירא אספקלריא two parts have so far appeared, (Warsaw, 1897, 1904; on the Tannaites). The same author also wrote in Judaeo-German, under the title of הנורד, a short history of Palestine, its colonies, &c., Warsaw, 1893, 98+22 pp.—P. 170, l. 10. מסעות בנימין השלישי is simply a satire by S. J. Abramowitz (better known by his pseudonym מוכר ספרים), which first appeared in Judaeo-German, and was also translated into Polish.—

P. 173, l. 3. A continuation of Ratner's Glosses to *מגלת העניית* in the *ספר היובל*, published in the honour of Sokolow, p. 500 seq.—P. 175, l. 8. The letter of the community in Tyre to that in Aleppo (read thus, l. 2, for Damascus), ed. Wertheimer, *גניי ירושלם*, III, fol. 15. The recipient, Jacob b. Joseph, is identical with the addressee of a letter ed. Schechter, *Berliner-Festschrift*, Hebrew part, pp. 108–112 (cf. *R. É. J.*, XLVII, 139; the word *אב* need not be added before *בית רין*, as this word does not occur elsewhere either).—Ib., l. 18. The ban on Tabernacles, on the Mount of Olives, was directed by the Palestinian Geonim against their opponents generally, and it is referred to in my communications in *R. É. J.*, XLVIII, 156 (read thus for 456). Abraham b. David speaks of a ban against the Karaites, also on Tabernacles, and also on the Mount of Olives, in another connexion (see ib. 153, n. 2).—P. 179, l. 12. The little work of Hillesum (51 pp., not 31), is aimed against an article by Cardozo de Béthencourt on Uri ha-Levi in *Nieuw Israelitisch Weekblad*, May 6, 1904 (see *R. É. J.*, L, 275).

I note the following printer's errors (besides those already mentioned):—P. 3, l. 8 *read* nicht gefastet.—P. 8, l. 16. Karez, *read* Korez (likewise p. 47, l. 16).—P. 23, l. 6 from below. 1893, *read* 1896.—P. 43, l. 13. Menachem b. Ahron, *read* Menachem b. Elias.—P. 47, l. 6, *instead of* 4, *read* 5.—P. 48, l. 16, Jehuda ibn Verga, *read* Solomon ibn Verga.—P. 52, l. 12 from below. *Jew. Quart.*, VI, *read* *Rev. Ét. ju.*, XVII.—P. 54, l. 9 from below, *instead of* V *read* XV.—P. 91, l. 14, *instead of* *englisch* *read* *lat.*—Ib., l. 19, *instead of* VII *read* VI.—P. 104, l. 15, *הבכה* *read* *הבכא*.—P. 132, l. 15, *instead of* 268 *read* 267.—P. 162, l. 6 from below, *instead of* 4th edit. *read* 3rd edit.—P. 163, l. 10 from below, *מהאי* should be deleted.—P. 182, l. 16, *for* Almalik *read* Almalich.—P. 190 a, the list omits *תולדות בני האדם* 279.

The object of all these observations is, of course, not to point out the deficiencies of the latest work of Steinschneider. On the contrary, they are intended as a mark of attention and gratitude on the part of the faithful pupil towards the hoary master, who, though entering upon his ninetieth year, still favours us with the products of his fertile intellect and displays an incomparable freshness. May Providence long preserve him in our midst, and may it be granted unto him not only to publish with all speed the second part of the work under notice, but also to bring all his other learned projects into realization.

SAMUEL POZNAŃSKI.

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COLLEGIO RABBINICO ITALIANO, "Relazione finanziaria e morale sul quadriennio 1901-4" (Firenze, Galletti e Cassuto).

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G. DALMAN, "Grammatik des jüdisch-palästinischen Aramäisch. Nach den Idiomen des palästinischen Talmud, des Onkelostargum und Prophetentargum und der jerusalemischen Targume" (Leipzig,

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N. DAVIS (Mrs. R. Salaman), "Songs of Exile" (London, Macmillan. for the Jewish Historical Society of England). Translations and adaptations from the Hebrew Midrash and Mediaeval Poets. New Impression. Pp. 146. Price 2s. 6d. net.

A. DEISSMANN, "Die Septuaginta-Papyri" (Heidelberg, Winter). Publications from the Heidelberg Papyrus Collection. 60 plates. Price 26 M.

M. DEUTSCH, שו"ת רב מלכיא מאת רב מיכאל ראב"ד בשאולאן (Jerusalem, לעווי). Pp. 32.

G. DIETRICH, "Ein Apparatus Criticus zur Pešitto zum Propheten Jesaia" (Giessen, Töpelmann). Eighth of the "Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft." Pp. xxxii, 223. Price 10 M.

E. J. DILLON, "The Original Poem of Job, translated from the Restored Text" (London, Fisher Unwin). At the end is the Book of Job according to the Authorized Version. Pp. xxiii, 150. Price 5s.

C. DOUAIS, "L'Étude de la Sainte Écriture" (Paris, Lecoffre). Pp. 83.

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S. M. DUBNOW, "Die Grundlagen des Nationaljudentums" (Berlin, Jüdischer Verlag). Authorised translation from the Russian by I. Friedländer. Pp. 69.

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T. ENGERT, "Ehe- und Familienrecht der Hebräer" (Munich, Leutner). Pp. vii, 108. Price 2 M.

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M. FRESCO, "Morceaux choisis tirés de la Bible" (Paris, Picard). Part II: the Former Prophets. Price 60 L.

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J. FÜRST, "Illustr. Fünf Bücher Moses" (Prague, Pascheles). New edition. German translation and notes; 230 illustrations. Price 6 Fl.

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S. GELBHAUS, "Propheten und Psalmisten" (Vienna). Price 1.50 M.

W. GESENIUS, "Hebräisches und aramäisches Handwörterbuch über das Alte Testament" (Leipzig, Vogel). Edited by H. Zimmern and F. Buhl. Fourteenth edition. Pp. xvi, 932. Price 18 M.

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Z. GOLDMAN, חשבון פרטי המצות (Jerusalem). Pp. 100.

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M. GRUNWALD, "Mitteilungen zur jüdischen Volkskunde, Heft XVI" (Berlin, Calvary).

D. GÜNZBURG and V. STASSOFF, "Ornementation des anciens mss. hébreux de la Bibliothèque Impériale Publique de St-Pétersbourg" (Berlin). With 26 coloured plates. Price 120 M.

T. HAERING, "Das Verständnis der Bibel in der Entwicklung der Menschheit" (Tübingen, Schnürle). Pp. 34.

S. HAKHAM, שאהין תורה ויקרא במדמר דברים פעולת מוהר"ר (Jerusalem, Luncz).

— תפסיר תרגום שני על מנלת אסתר (the same). Persian translation of Targum Sheni, read in Synagogue in Bokhara on Sabbaths Shekalim and Zachor before the afternoon service.

E. HALEVI, ערוגת הבושם דרושים על אגרות (Palestine).

M. HALLER, "Religion, Recht und Sitte in den Genesis-Sagen" (Bern, Grunau). Pp. iii, 160. Price 2.80 M.

A. HARKAVY, חיי היהודים בבבל ספר א' נהרדעא (Wilna, Judelwitz). Social and religious life in Nahardea: Notes and additions by A. H. Price 2 M.

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G. KARPELES, "Literarisches Wanderbuch" (Berlin, Allgemeiner Verein für Deutsche Literatur). Neue Folge. Slavische Wanderungen.

J. KAUFFMANN, "Frankfurter Israel. Volkskalender, 1905-6." Calendar; two stories by A. Katz; a directory of Jewish hotels. (Frankfurt a. M., Kauffmann.) Price 35 Pf.

C. F. KENT, "Israel's Historical and Biographical Narratives" (London, Hodder & Stoughton). Forms second volume of the author's "Student's Old Testament." Contents of present volume: (I) The

origin and present literary form of the O.T. historical and biographical narrators; (II) The earlier histories and biographies incorporated in Samuel and Kings; (III) The Chronicler's ecclesiastical history of Judah and the Temple; (IV) Original sources and historical value of Ezra-Nehemiah; (V) The Records of the Maccabean Age; and (VI) Recovery of the original text of the historical books. With maps and chronological chart. Pp. xxxi, 506. Price 12s. net.

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J. KÖBERLE, "Sünde und Gnade im religiösen Leben des Volkes Israel bis auf das Christentum" (Munich, Beck). Pp. viii, 685.

E. KOENIG, "Der ältere Prophetismus bis auf die Heldengestalten von Elia und Elisa" (Gr. Lichterfelde, Runge). Pp. 46. Price 60 Pf.

— "Ist die Mesa-Inschrift ein Falsifikat?" (Z.D.M.G., LIX, 2. Pp. 233-251).

W. KRATZENSTEIN, "Das Alte Testament in der Untersekunda" (Magdeburg). Programm. Pp. 69.

J. KRAUSKOPF, "Message to Sixteenth Annual Convention of the Central Conference of American Rabbis, Cleveland, Ohio, July 3, 1905." Pp. 28.

J. L. LANDAU, "Festrede zur Schiller-Feier" (Johannisburg, Michaelis). Pp. 12.

L. LANDAU, "Épître historique du R. Scherira Gaon" (Anvers, L. Bary. Dated 1904, but just issued). Introduction, French translation and notes. Pp. xlii + 90.

L. LANIER, "L'Asie, Choix de lectures de géographie" (Paris, E. Belin). Eighth edition. Syria and Palestine occupy pp. 269-418. Pp. xi, 618. Price 6.50 fr.

M. LAZARUS, "Lebenserinnerungen von Moritz Lazarus, bearbeitet von Nahida Lazarus und A. Leicht" (Berlin, Reimer). Pp. circa 600.

Y. M. LEINER, סדר עולם (Warsaw, Landau). Pp. xvii, 94.

M. LERNER, חיי עולם Gutachten von Rabbinern aller Länder über Exhumierungen und Aschenurnenbeisetzungen auf jüdischen Friedhöfen (Berlin, Poppelauer). 2.40 Mk.

— "Zwei Fragen über Exhumierung" (Berlin, Poppelauer). Price 60 Pf.

I. LÉVI, "Revue des Études Juives" (Paris, Durlacher). Vol. L, No. 100, April-June, 1905. Contents: A. Büchler, "La Kétouba chez les Juifs du Nord de l'Afrique à l'époque des Guéonim"; I. Goldziher, "Mélanges judéo-arabes"; S. Poznański, "Quelques données nouvelles sur Isaac ibn Baroun"; I. Lévi, "Fragments d'un glossaire hébreu-français," "Revue bibliographique, 1904-5"; Hoffmann's "Mechilta de Rabbi S. b. Jochai"; E. Adler, "Les Marranes sous Philippe IV"; M. Ginsburger, "Les Juifs de Metz sous l'ancien régime"; M. Lambert, "Notes exégétiques et grammaticales"; D. Simonsen, "A propos du Commentaire biblique de Léontin"; M. Schwab, "Deux lignes de compatibilité"; H. Derenbourg, Nöldeke's "Beiträge zur semitischen Sprachwissenschaft"; J. Weill, Condamin's "Le livre d'Isaïe"; T. Reinach, "Agobard et les Juifs." Price 7 fr. (annually 25 fr.).

J. LEVI, בית לאבות פירוש על פרקי אבות (Jerusalem, Levi).

M. LEWIN, "Die Scholien des Theodor Bar Kônî zur Patriarchen-Geschichte (Genesis xii-1)" (Berlin, Mayer and Müller) Dissertation. Pp. xxxvii, 35.

S. LIMBACH, "Steenen des aanstoots" (Amsterdam, Egeling). Pp. 28, 338. Price 1.80 Fl.

J. LOEVY, "Schiller, die Worte des Glaubens" (Graudenz, Röth). Three sermons.

W. LOTZ, "Das Alte Testament und die Wissenschaft" (Leipzig, Deichert). Pp. viii, 252.

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¹ I have to thank Mr. Luncz for my knowledge of many of the Palestinian publications included in this Bibliography.

W. MACKINTOSH, "Gleanings from the Talmud, selected and newly translated into English" (London, Sonnenschein). Pp. xvi. 136. Price 2s. net.

F. MÄCKLENBURG, "Ueber die Auffassung der Berufstätigkeit des Ebed-Jahwe nach den Ebed-Jahwestücken Jes. xlii. 1-7, xlix. 1-9" (Zeitschrift für wiss. Theol., 1905, pp. 313-343).

F. MACLER, "Correspondance épistolaire avec le ciel" (Paris, Leroux). Extracted from the Revue des Traditions populaires. Letters thrown by Jews into a hole at the Hebrew Mosque. Pp. 19.

J. MARQUART, "Untersuchungen zur Geschichte von Eran" (Leipzig, Dieterich). Second, concluding, part. Pp. viii, 258. Price 8 M.

J. T. MARSHALL, "Job and his Comforters: Studies in the Theology of the Book of Job" (London, J. Clarke). Pp. 170. Price 2s. 6d.

A. MENZIES, "Review of Theology and Philosophy" (Edinburgh, Schulze). A new monthly devoted to reviews, abstracts, and bibliography of theological and philosophical works. Price 15s. annually, post free; single numbers 1s. 6d.

E. MEYER, "Die Mosesagen und die Lewiten" (Berlin, Reimer). Pp. 13. Price 50 Pf.

MISHNAH, משניות צרור המור על פי א"ב (Jerusalem).

J. M. MIZRACHI, פרי הארץ שו"ת (Jerusalem, Hashkafa).

C. G. MONTEFIORE, "The Synoptic Gospels and the Jewish Consciousness." First of a Series of "Impressions of Christianity from the Points of View of the non-Christian Religions" in the *Hibbert Journal*, July, 1905, pp. 649-667.

MOOR, DE, "Étude sur le livre de Job" (Paris, Sueur-Charruey). Pp. 88.

MOSES. Contents: A. Gelber, Moses der Befreier; H. George, Moses der Gesetzgeber; J. G. Herder, Moses und die Dichtung; Achad La-Am, Moses der Prophet. With illustrations of Moses by famous artists. (Berlin, Jüdischer Verlag.) 7 Mk.

F. W. MOZLEY, "The Psalter of the Church. The Septuagint Psalms compared with the Hebrew, with various notes" (Cambridge University Press). Pp. xxx, 204. Price 6s. 6d. net.

D. H. MÜLLER, "Das syrisch-römische Rechtsbuch und Hammurabi" (Vienna, Zeitschrift für Kd. d. Morgenland, XIX, pp. 139-195).

B. NETELER, "Das Buch Genesis nach der Vulgata und des hebräischen Textes, übersetzt und erklärt" (Münster, Thersing). Pp. vii, 261. Price 5 M.

A. NOORDTZIJ, "De Filistijnen, hun afkomst en geschiedenis" (Kampen, Kok). Pp. 246. Price 2.25 Fl.

M. NORDAU, "Zionism, its History and its Aims" (London, English Zionist Federation). Translated by Israel Cohen. Pp. 20. Price 1*d*.

OESTERREICHISCH-ISRAELITISCHE UNION, "Kalender für Israeliten" (Vienna). Calendar, reports of Austro-Hungarian Jewish Communities; literary articles. Price 1.60 K.

J. OREVIZ, *הור יוסף דרושים* (Palestine).

W. OTTO, "Priester und Tempel im hellenistischen Ägypten. Ein Beitrag zur Kulturgeschichte des Hellenismus" (Leipzig, Teubner). Pp. xiv, 418. Price 14 M.

A. PADOVANI, "I Salmi secondo l'ebraico e la Vulgata interpretati." (Cremona, Maffezzoni). Vol. I. Pp. 325. Price 3 L.

S. W. PASCHELES, "Illustrierter israelitischer Volkskalender für das Jahr 1905-6" (Prague, Pascheles). 53rd annual issue: Calendar; portraits (including M. Kayserling); a Gheto tale "Ein jüdischer Maler" (by Bernhard Auerbach); "Der Wunderrabbi von Trombowia" (by R. Mirsky-Tauber), &c.; also commercial information. Price 20 Kr.

A. PAULUS, "Les Juifs avant le Messie. Développement politique et religieux du peuple juif" (Paris, Bloud). Pp. 64.

W. M. FLINDERS PETRIE, "A History of Egypt, from the nineteenth to the thirtieth Dynasties" (London, Methuen). This (Vol. III) now completes the six-volume History of Egypt by W. Flinders Petrie, J. P. Mahaffy, J. G. Milne, and S. L. Poole. Pp. xx, 406. Price 6s.

G. W. PIERCE, "Song of Songs, Versified" (Boston). Price £1.

L. F. PINKUS, "Studien zur Wirtschaftsstellung der Juden" (Berlin). Pp. 56. Price 1 M.

M. POPPELAUER, "Berliner Volkskalender für Israeliten 5666" (Berlin, Poppelauer). Literary notes; commercial information. Price 50 Pf. Also a "Jüdischer Portemonnaie-Kalender." 10 Pf.

H. PRAGUE, "Annuaire des archives israélites pour l'An du Monde 5666 [=Sept. 30, 1905 to Sept. 19, 1906] (Paris, Bureau des Archives israélites). Calendar of Jewish year; Review of the year 5665; List of Honours of French Jews during the year; "L'Antipape Benoît XIII et les Juifs" (1394-1424) by M. Schwab; "Superstitions" by

P. Haguénauer; "Le Juif moderne, Types et Variétés"; Consistorial Reports; Schools; Benevolent Societies, &c. Pp. 116.

QUARTERLY STATEMENT, Palestine Exploration Fund, July, 1905 (London, 38 Conduit Street, W.). Twelfth Report on the Excavation of Gezer (R. A. S. Macalister); the Immovable East (P. G. Baldensperger); the new Cuneiform Tablet from Gezer (C. H. W. Johns); the Bedouin of the Sinaitic Peninsula (W. E. Jennings-Bramley); Callirrhoe and Machaerus (G. A. Smith); the Walls of Jerusalem (C. W. Wilson); the Craftsmen's Guild of the Tribe of Judah (R. A. S. Macalister); the Ossuary of Nicanor of Alexandria (the same); Coffee Lore (J. E. Hanauer); the Trilithon and Great Temple at Baalbek; Notices of Foreign Publications (C. W. Wilson); Notes and Queries: (1) A Burial Custom (Macalister), (2) the Constantinople Museum (A. H. Sayce), (3) Why did Rachel steal the Teraphim of Laban? (Macalister), (4) Inscribed Lamp from St. George's College, and (5) the New Cuneiform Tablet from Gezer (A. H. Sayce). Many illustrations and plans. (Price: Free to subscribers of not less than half a guinea.)

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A. RAMSAY, "Studies in Jeremiah" (London, Bagster). Pp. 304.

E. REICH, "The Failure of the Higher Criticism" (London, Nisbet). Pp. vii, 198. Price 6s.

W. REICH, "Misrachah" (Frankfurt a. M., Kauffmann). Account of the recent Journey of a large party of Jews to Palestine. Pp. vi, 60. Price 1 M.

A. REISEN, "Jüdische Motive" (Vienna, Stefanstr. 12). In the Volksbibliothek, "Zion" Verlag. Price 50 Heller.

J. M. RIGG, "Calendar of the Plea Rolls of the Exchequer of the Jews preserved in the Public Record Office, Vol. I. Henry III, A. D. 1218-1272" (London, Macmillan, for the Jewish Historical Society of England). Index by Miss Ada Corcos. Pp. xviii, 367. Price (to non-members of the Society) 16s.

L. A. ROSENTHAL, "Schiller und die Bibel" (Strassburg, Trübner). Pp. 25. Price 60 Pf.

— "Jesus und die Rabbinen" (Berlin, A. Scholem). A review of E. Bischoff's book bearing the same title. With a letter by Dr. Bischoff. Pp. 20.

— "Joel-Nahum-Habakuk mit einander verglichen" (Strassburg, Trübner). Pp. iii, 44. Price 1 M.

A. RUPPIN and J. THON, "Der Anteil der Juden am Unterrichtswesen in Preussen" (Bureau für Statistik der Juden, Berlin-Halensee, Westfälische Str. 46). Historical section (J. Thon), Statistical section (A. Ruppın). Price 1.50 M.

J. M. SALKIND, "Die Peschitta zu Schir-haschirim, textkritisch und in ihrem Verhältnisse zu MT. und LXX untersucht" (Leiden, Brill). Dissertation. Pp. 42.

H. K. (SAMUELS), "Zionismus und Kirchenstaat" (Berlin, J. Singer). Pp. 23.

S. SCHERBEL, "Jüdische Ärzte und ihr Einfluss auf das Judentum" (Berlin, J. Singer). With three portraits. Pp. 75.

L. SCHERMAN, "Oriental Bibliography" (Berlin, Reuther & Reichard; London, Williams & Norgate). Vol. XVIII, Part I (for 1904). Issued August, 1905. Pp. 1-76. Price 12s. 6d. annually (three parts).

J. SCHIFFELS, "Geographie und Geschichte des Heiligen Landes. Eine Zugabe zu jeder Biblischen Geschichte" (Freiburg i. B., Herder). For school use. Third edition. Pp. 32. Price 35 Pf.

A. J. SCHLESINGER, חנא רבי אליהו רבא (Jerusalem). Pp. 124.

F. SCHMIDT, "Vor 1900 Jahren. Rückblicke auf Begebenheiten in Palästina vor 1900 Jahren" (Leipzig, Ficker). Pp. 123. Price 1.50 M.

T. E. S. SHOLES, "Glimpses of the Ages, or the 'Superior' and 'Inferior' Races, so-called, discussed in the light of Science and History" (London, John Long). Pp. xvii, 409. Price 12s. net.

M. SCHULBAUM, "Neues vollständiges Deutsch-Hebräisches Handwörterbuch" (Lemberg, Schlag). Pp. 604. Price 6 Kr.

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I. A.

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THE JEWISH QUARTERLY REVIEW

JANUARY, 1906

THE KARAITE LITERARY OPPONENTS OF SAADIAH GAON IN THE TENTH CENTURY.

THE literary campaign that Saadiah, first among the Rabbanites, started against the Karaites, and whose external history I have attempted to trace in this REVIEW¹, found the foe ready to join battle. There arose a complete array of Karaite scholars, who, either in special writings, or incidentally in the course of their works, repelled the attacks of Saadiah with energy. But they were not content to remain on the defensive. They speedily assumed an offensive attitude, and endeavoured, with varying degrees of success, to overthrow the arguments and proofs advanced by Saadiah in support of the Oral Law. A disagreeable element in the campaign is the personal abuse into which the controversy often degenerated: objective treatises are marred by regrettable recrimination. It must, however, be admitted that in this respect both parties sinned, although perhaps the Karaites sinned the more deeply.

The controversy initiated by Saadiah's activity did not cease with his death. It was not confined to the Gaon alone, but drew within its range the whole of Rabbinism. Henceforth polemics form a principal feature of Karaite

¹ *J. Q. R.*, X, 238-76. For Addenda and Corrigenda to that essay see end of the present series of articles.

literature: they inspire Karaism with fresh life, and stimulate the development of its literature in a very great measure. In truth, the polemical element existed in the very nature of Karaism. The latter was a product of opposition and revolt against the principles of Rabbinism, and hence its progress depended upon strife. Personal attacks were not unknown even in its very early days, for 'Anân is said to have prescribed the reading on every New Moon of Psalm lxxiv, because, in his opinion, there was an allusion, especially in verses 4 and 8, against the Rabbanites¹. Still, polemics play a very small part in the oldest writings of the Karaites, which, by the way, are still accessible only to a very small extent. It was not till the advent of Saadiah that their polemics assumed a tone of bitterness and occupied the most prominent place in their literary activity, and in the centre of the controversial medley was the figure of the Gaon. I now propose giving a bibliographical survey of this literature down to modern times. In the first place, it must be observed that the practice of the Karaites to repeat one another consciously, and often to copy one another verbally, is pursued to a still greater degree in their polemical treatises. The controversy carried on against the Rabbanites in general and against Saadiah in particular was for them a necessary of life, upon which they continuously drew as their main resource. Hence, even at a time when all spiritual life in their midst had been stifled, they still roused themselves, and brought forth their rusty weapons to attack the execrated Fayumite.

A brief survey of the earliest Karaite controversy directed against Saadiah is given by Sahl b. Maṣṣliāḥ in his polemical work *תוכחת מגולה*². We there read: *והספרים אשר כתב* . . .

¹ Another statement of 'Anân, reported by Moses Taku, most probably belongs to the realm of legend. 'Anân is said to have wished that he could contain within himself all the learned Rabbis, so that by a single stroke of the sword he might be able to slay them all with himself. See *R. É. J.*, XLV, 201-2.

² Communicated by Steinschneider, *Catal. Lugd.*, p. 403, and Pinsker, *לקוטי קרמניו*, p. 37. The variants are unimportant.

(ר"ל סעדיה) לא הוציאם בחייו מתחת ידו על בני מקרא ואחר מהם נפל ביד בן משיח והשיב עליו בחייו וכן שלמון בן ירוחם השיב עליו בלשון הקדש על אשר כתב אשא משלי ואמר ואחרי מותו נפלו ספריו ביד בני מקרא בכל מקום ומקום וישיבו עליהן תשובות בדברים נכוחים כמסמרות נמועים בספרים הרבה כמו שעשה אבו אלטייב הנודע אלגבלי וכן עלי בן חסון וכן בן משיח וכן ירוחם הנודע בן רוחים ואבו עלי חסן אלבצרי "The writings that Saadiah composed against the Karaites did not leave his possession throughout his life. But one work fell into the hands of Ben Mashiah, and he replied to it during Saadiah's lifetime. Similarly Salmon b. Jeroḥam wrote against him in Hebrew and refuted his statement, beginning with the words אשא משלי ואמר¹. But not until the death of Saadiah did his writings fall into the hands of the Karaites in various places, and give rise to a multitude of convincing arguments in a number of works. Among the authors of the latter were Abu-l-Ṭajjib, known as al-Jebeli, 'Ali b. Ḥasan, Ben Mashiah, Ben Jeroḥam, known as Ibn Ruḥeim, Abu 'Ali Ḥasan al-Baṣri, and others. I also have written a reply against his contentions," &c.

But this list is not complete. We miss, for example, of Saadiah's contemporaries, so important a writer as Qir-qisāni; and even granting that Sahl mentions only those who composed special polemical treatises against the Gaon, we still miss Isaac b. 'Ali, &c. But what sense is there in the assertion that Saadiah throughout his life did not publish his polemical writings against the Karaites? He did not compose them for purely literary purposes, but wished by their means to counteract the increasing propaganda of the Karaites. Hence, had he suppressed his writings his intention would have been quite frustrated. The statements of Sahl are therefore to be treated with

¹ A chapter of Salmon's controversial work actually begins with the words (Pinsker, p. 18): אורה סעדיה רבתי שדורה . . . והכמה אבדה מן האומר: אשא משלי ואחורה וכו' על אשר כתב אשא משלי: Perhaps we should read here also: ואחורה.

caution. His order, too, I would rather not follow, but propose to give in chronological sequence all the Karaite literary opponents of Saadiah known to me, including also those who only indulged in occasional controversy against him. In any case, this sequence cannot be quite exact, inasmuch as there are no data respecting the lives of many Karaite authors, or the data extant are much confused and mutually contradictory, or, finally, they are fabricated intentionally. In order to make this survey clear, therefore, I shall enumerate these authors according to the centuries in which they lived.

TENTH CENTURY.

1. Ben Zuṭa (or Ziṭa). This otherwise little known Karaite, whose full name was Abu-l-Surri¹ b. Z., probably lived in Egypt, and disputed with Saadiah only by word of mouth, so that, strictly speaking, he does not belong to the *literary* opponents. If he did live in Egypt, he must have disputed with Saadiah whilst the latter was still very young. The substance of his polemical utterances, which are only known from references in Ibn Ezra, has already been fully dealt with in my *Miscellen über Saadja*, II², to which the reader may be referred.

2. Ibn Sâqaweihî (or Saqûje), one of the oldest Karaite authors, about whose personality we likewise know nothing³. He composed an anti-rabbinical work bearing the title כתאב אלפזאיה, "Book of Shameful Things" (i. e. of the Rabbanites), which consisted of the following ten sections:

¹ As Steinschneider rightly remarks (*Z. f. H. B.*, VI, 184), אלסרי can only correspond to the Arabic السرى. But then it must be transcribed al-Surri (and not, as hitherto, al-Sari), see Sujuti, "De nominibus relativis ed. Veth.," p. 136: السرى بالضم والتشديد الى سُرّ قريّة بالرّى. In *Jew. Encycl.*, V, 105 a, ben Z. has the forename "Eleazar"!

² *Monatsschrift*, XLI, 203-12. Cf. also *J. Q. R.*, X, 256, and *R. É. J.*, loc. cit., 193-4.

³ See Steinschneider, *Die arab. Liter. d. Juden*, pp. 45 and 281, no. 56 (also my *Zur jüdisch-arabischen Litteratur*, Berlin, 1904, p. 40).

(1) on the unity of God¹; (2) on a branch of the Sabbath laws, viz. the kindling of lights; (3) on another branch of these laws, viz. on presents (or, on irrigation on Sabbath); (4) on the determination of the New Moon; (5) on the rule *לא בר"ו פסה* (hence on the validity of *Dehijot*); (6) on leap-year; (7) on the prescriptions respecting forbidden fat; (8) on forbidden degrees of relationship; (9) on the prescriptions respecting menstruation; and (10) on pollution (*בעל קרי*). This work was preceded, by way of introduction, by a polemic against the Mishna, in which it was shown that the latter cannot be of divine origin. Ibn Sâqaweihi maintained therein, with regard to the subject-matter of the first four chapters, that the later Rabbis had erred in equal measure with the earlier ones; and with regard to the remaining six chapters, he was of opinion that here the later Rabbis had deviated from the earlier ones, and he sought to confirm this by proofs from the Talmud.

The work of Ibn Sâqaweihi thus comprised the entire scope of the controversy between Rabbanites and Karaites, dealing both with theological matters (anthropomorphism) as well as with matters of Halakha (Sabbath and festival laws, calendar science, and laws of diet, marriage, and cleanliness); and we should have had before us not a mere reply but an independent anti-rabbinical work (the oldest of its kind)². It is probable, however, that this work was the result of Saadiah's activity, so that it rightly belongs to the category of works dealt with in this study.

This section must be the source of Ibn Sâqaweihi's opinion, quoted by Moses ibn Ezra in his *מקאלי אלהיקה*, that *דמי* in Ps. lxxxiii. 2 does not mean "to be silent" but "to be similar" (quoted by Harkavy in his *Notes to the Russian translation of Graetz*, vol. VI, p. ci): . . . ולקר אשה בצץ . . . אלנארנ ענא פי שרח אלהים אל דמי לך פאנה מאל בה מן מעני אלסכות אלי מעני אלהשיה פכרנ לה מן כו אלקיאם ואל תהנו דמי לו (Jes. lxii. 7) אן לא שבה לה העאלי חתי הנבני ירושלם קר בן סאקויה הוה אלנבאט פי כהאב פלאיה לנפסה.

² Everything points to the positive inference that Ibn Sâqaweihi was a Karaite and not a sectarian *sui generis*, as Firkowitsch (see Gottlober, *בקרת להולדות הקראים*, p. 149) asserts. Moses ibn Ezra (see Harkavy, *ibid.*, p. c, and *חרשים גם ישנים*, VII, 33) places him in the same rank with Hivi al-Balkhi.

Express testimony to this effect is given by al-Hiti, who was intimately acquainted with Ibn Sâqaweihi's work, in the following words¹: *ובן סקויה רח אה רד עלי אלרבאני ועלי אלפיומי פי אלהלאל ואלאביב ואלענצרה*² *ואלאליה ואלשהם ואלתקליר ואבטל נקלהם*. This is the conclusion also to be derived from the fact that Saadiah, in his polemical work (about to be mentioned) against Ibn Sâqaweihi, already alludes to his principal work against the Karaites, the *כתאב אלתמיין*³. It is, therefore, probable that Ibn Sâqaweihi also had before him many polemical writings of Saadiah⁴, which now provoked him to a counter-attack.

Of this polemical work of Saadiah, which bore the title *כתאב אלרד עלי אבן סאקויה*, and of which only a few single quotations were known hitherto⁵, some extensive fragments have now been discovered. One of these, belonging to the early part⁶, contains the information about Ibn Sâqaweihi's work given above, as well as a part of the refutation of the first chapter, namely, the reproach that the Talmudists anthropomorphized the Deity⁷. A more extensive frag-

¹ *J. Q. R.*, IX, 435. Cf. *ibid.*, X, 253, note 3, and *Z. f. H. B.*, II, 79.

² On the Feast of Weeks (i. e. on the controversy respecting *מזמרה*) Ibn Sâqaweihi had no special section, but he doubtless dealt incidentally with this important theme in another section. Saadiah's views on this matter were preserved at the end of his *כתאב אלתמיין*. See *J. Q. R.*, XVI, 102-5.

³ In the fragment soon to be mentioned, ed. Hirschfeld (*J. Q. R.*, XVI, 109). It is thus established anew that the controversial work against Ibn Sâqaweihi formed a separate work of Saadiah, and that therefore the correction is necessary in the words of Moses ibn Ezra: *הגאון ז"ל כהב*: וקד ביין: (in Arab. original): *בספר המבחן* [ו] *בהשוותיו על בן סקויה האפיקורוס*, רבינו סעדיה גאון ז"ל *פי כתאב אלתמיין* [ו] *פי רדה עלי בן סאקויה צאהב כתאב אלפצאיה לנפסה*, see *ibid.*, p. 100, note 1.

⁴ Above all his controversial work against 'Anân, which appeared in the year 915. See *J. Q. R.*, X, 241.

⁵ Collected by me, *ibid.*, 252 seq.

⁶ Edited by Harkavy from the St. Petersburg Library, *ibid.*, XIII, 662 seq. (partly also *ibid.*, XVI, 112). Cf. also *R. É. J.*, XL, 88.

⁷ It can therefore be assumed with Harkavy (p. 667, note 2) that the quotation from Saadiah in Judah b. Barzilai's Commentary on *Ješira*, p. 20, is perhaps likewise taken from the polemical work against Ibn Sâqaweihi (so that *J. Q. R.*, X, 255 should be corrected).

ment (consisting of six leaves)¹ contains the refutation of the sixth chapter (on leap-year; the beginning is missing of what seems to have been a very complete treatment of the subject), the seventh (on the fat tail, *אליה*, the use of which was forbidden by the Karaites, as opposed to the Rabbanites, see *Steinschneider-Festschrift*, p. 203, n. 3), and of the ninth chapter (on menstruation; the conclusion is missing). The refutation of the eighth chapter (on forbidden degrees of relationship) was thus not included in the work², probably because Saadiah composed a separate treatise on this subject³. Still another fragment⁴, in which the objections against the Mishna are refuted, is perhaps likewise an offshoot of the work against Ibn Sâqaweihi, as the latter (as we saw above) attacked the Mishna in his own polemical writing, and Saadiah expressly states that he will follow up the refutation of the first four chapters with a defence of the Mishna⁵. In this fragment Saadiah does not address his words to a particular person, as in the other two, but speaks of "those people"⁶.

The treatment that Saadiah accorded to Ibn Sâqaweihi in his work was not very generous. He usually calls him

¹ Edited by Hirschfeld from the Cambridge Geniza, *J. Q. R.*, XVI, 105-12. That this fragment belongs to the polemical work against Ibn Sâqaweihi is shown by the contents here presented, which correspond exactly to the order of the sections in the work of Ibn Sâqaweihi.

² This follows expressly from Saadiah's words (p. 110, l. 15) : *ואז שרחה : אלז אלז אלאכירא (אלאכירא r.) אלתי ארעא עלינא פיהא אנא כאלפנא קרמאנא* . . . *וכשפנא מא קר הביין פינבני אן נשרח אלז [אל] באקיה ודי המאם אלנהאב אלך*. On the division of the ten sections of Ibn Sâqaweihi into four and six, see above.

³ Steinschneider's doubts (*loc. cit.*, p. 49, no. 8) as to the existence of this work seem to me to be unfounded. Cf. my *Zur jüd.-arab. Litter.*, p. 42, and the Addenda at the end of the present series of articles.

⁴ Likewise edited by Harkavy, *loc. cit.*, 656-7.

⁵ See p. 663, l. 7 from bottom : *ואז שרחה : קבל הוה אלי אבואב : . . . וקדם (אי אבן סאקויה) קבל הוה אלי אבואב : . . . פולדך ארי אן אקדם קבל זכר אלז אלז אלאכירא זכר אלמשנה כיף יקאל אנהא ען משה רבינו . . . פולדך ארי אן אקדם קבל זכר אלז אבואב אלאכירא זכר אלמשנה למוצא מא העלק פי הוה אלאבואב בשי מנהא ואמא אלז אבואב אלאכירא פארד עליהא פי מא שניע בה פיה קבל אהתנאני לצחה אלמשנה*.

⁶ See p. 656, l. 7 from bottom : *ראיה האולי אלקום יפענן בהא עלי : . . . אלמשנה אלך*.

“the ignoramus” (הוא אלנאהל), or “novice” (הוא אלגריד), or “that fellow” (הוא אלנאסאן, הוא אלרגל), applying to him the verses Psalm xxxi. 19, Prov. xviii. 3, and Job xiii. 5. He says that he has rightly called his work כתאב אלפנאיה, because he has revealed in it only his own shame and confusion.

Besides being mentioned in the special polemical work, Ibn Sâqaweihi is referred to in another fragment, the author of which, according to Harkavy, must also have been Saadiah. We there read¹: ולא קאל בן סאק[ויה] באן אלצאים יגוז לה שרב אלסכננבין אדא . . . א . . . צ . . . מן אלדוא, i. e. “did not Ibn Sâqaweihi maintain that one who is fasting may drink *sakanjabin* (a sort of syrup prepared from sour wine), as it is to be regarded as medicine?”

3. Abû Jûsuf Ja'qûb [b. Isaac b. Shemaja?] al-Qirqisâni is rightly regarded as one of the foremost Karaite authorities, but the full extent of his literary importance has only become known in recent times². His chief work was a complete commentary about the passages of the Pentateuch not bearing on law (פי שרח מעאני), כתאב אלריאן ואלחראיק (אלתוריה אלתי הי גיר אלפראין, “Book of Beds and Gardens,” which had as introduction a complete compendium of law, entitled כתאב אלאנואר, “Book of Lights and Watch-towers.” In the former work the date of composition, Rabia' II, 326 of the Hegira = Adar 1249 contr. (= 938), is expressly given³; and the second work, too, which claims our chief interest, was composed, according to Ibn al-Hiti, a year earlier, i. e. 325 of the Hegira (= 937)⁴. Qirqisâni was accordingly

¹ *Woschod*, January, 1900, p. 83.

² Steinschneider details the literature on him, loc. cit., § 43 (supplemented in my *Zur jüd.-arab. Litter.*, p. 48). In these places everything is enumerated that has hitherto been edited of the works of Qirqisâni.

³ See Neubauer, *Med. Jew. Chron.*, II, 249, l. 7 from bottom: פאזא . . . אציק עלי ולך סני אלסכננר והי סני אלשטרות וגמלתה אלי סנה שנו מן סני אלערב צאר אלף רמז . . . ופיהא הם האליף הוא אלכתאב ולך פי שהר אדר והו שהר רביע אלזכר. Cf. also Firkowitsch, בני רשא, p. 21.

⁴ *J. Q. R.*, IX, 432: אלשיך אלעאלם יצקב בן יצחק אלקרסאני רח אלת תאריך תצנישה:

a contemporary of Saadiah, but so far as is yet known, his name has not been found mentioned in the writings of the Gaon. Harkavy, indeed, conjectures¹ that the quotations from Saadiah found in Jehuda b. Barzilai's *Ješira* commentary, are taken from a work directed against Qirqisâni. But it is much more probable that Jehuda b. Barzilai had before him the polemical work against Ibn Sâqaweihi², especially as only one of the *Agadot*, but not the second³, defended by Saadiah, is cited by Qirqisâni. Moreover, it cannot yet be proved that Saadiah may have known the writings of his younger Karaite contemporary. On the other hand, Qirqisâni often quotes Saadiah and controverts him⁴; but unfortunately only a single long passage⁵ from the "Book of Beds" and a few chapters from the "Book of Lights" have hitherto been published. Still, I shall adduce here all the passages known to me.

The Pentateuch commentary exists in a longer and a shorter version, and there are fragments of both in St. Petersburg and in the British Museum. In the published passage from the longer version, which deals with chronology, there is an anonymous rejoinder to Saadiah. After stating that the Bible in dealing with large numbers of years often omits smaller ones, e. g. one or two years, the writer concludes: ופי הוא כלה הדרם אלעבור ופציהה מן ידעי
אנה קדים מנר אול כלק אלעאלם יגרי עלי סנן ואחר אלי הרה אלנאיה
"From all this may be inferred the futility of the *'Ibbur* (i. e. of the permanent calendar) and the confusion of the one who has maintained that the calendar is very ancient, and that its rules have remained the same since the creation

אלאנאר סנה אלה ומאיתן המאניה וסבעין ללשטרות פיכון ולך פי סנה 315 ללהגרה. Both these dates do not agree, and we must correct וסבעין into וארבעין and 315 into 320 (hence p. 437, note 1 must be rectified; in בני רשא, loc. cit., we rightly have 1248, Era of Contracts, but equally wrongly 315 of the Hegira).

¹ Introduction to Qirqisâni, p. 248.

² See above, p. 214.

³ Cf. *J. Q. R.*, X, 255.

⁴ Harkavy, loc. cit.

⁵ See Neubauer, loc. cit. Cf. also my *Miscellen über Saadja*, III, p. 9, note 1 (= *Monatsschrift*, XLIV, 408, note 2).

of the world." As is well known, this was the theory of Saadiah.

In the *Kitáb al-'Anwár*, of which I possess several excerpts in manuscript besides those printed, there are a few chapters exclusively devoted to the refutation of Saadiah, e. g. section xi, chap. 29, on forbidden degrees of relationship, and section xii, chaps. 15–16, on the use of the fat tail (אליה)¹. Again, in other passages Saadiah is controverted incidentally (often anonymously), or he is the chief object of controversy: e. g. section ii, chap. 13, on Saadiah's theory about the age of the permanent calendar²; *ibid.*, chaps. 14–15 (partly edited in *Z. f. H. B.*, III, 175), on the divinity and the necessity of the oral law; section xi, chap. 30 (edited in the *Kaufmann-Gedenkbuch*; p. 182; reprint, p. xiv), on the prohibition to marry a niece; section xii, chap. 7, on the wrenching off of a fowl's head (מליקה)³; *ibid.*, chap. 10, on the eating of dead fish (Saadiah's name is not mentioned here, cf. *Z. f. H. B.*, IV, 74); *ib.*, chaps. 20–1 (edited *loc. cit.*, p. 184; reprint, p. xvi) on the use of an embryo, &c. Similarly, according to Harkavy, Saadiah and his polemical work against 'Anân are meant in the following passage of the *Kitáb al-'Anwár*, the section and chapter of which cannot be ascertained for the present⁴: וקר זעם בעץ מן יחג ללרבאנין וירד עלי מן זעם אן אלצלאה מן אלתהלים, i. e. "A Rabbanite has refuted the view that the prayers are to consist only of psalms," &c. As a matter of fact, this was a prescription of 'Anân, who endeavoured by this means to annul the hitherto prevalent order of prayer, because the latter went back upon tradition⁵.

¹ See the headings of these chapters in *Steinschneider-Festschrift*, pp. 201, 203.

² *J. Q. R.*, XIII, 661: וקר כאן אלשימי יקול אן אלעבור מן מוסי חם צאר אלאן: *J. Q. R.*, XIII, 661: וקר כאן אלשימי יקול אן אלעבור מן מוסי חם צאר אלאן; hence the same as in the passage just mentioned from the Pentateuch commentary.

³ See *Steinschneider-Festschrift*, p. 203, note 1, and *R. É. J.*, XLV, 196–7.

⁴ See Harkavy, *Stud. u. Mitt.*, V, 107. The continuation in his *Otcherki*, I, 52, note 3.

⁵ See, e. g., *Gan Eden*, fol. 71a; *Adderet Elijahu*, ענין הכלה, chap. 5 (cf.

There is also a compendium of the *Kitāb al-'Anwār* (Brit. Mus. MS., Or. 2525, Catalogue II, no. 588, cf. *Steinschneider-Festschrift*, p. 211), containing many controversial rejoinders to Saadiah, which had not yet been discovered in the main work: e. g. on the science of the calendar, where Saadiah's name is not expressly mentioned (fol. 44 a, seqq.; see *J.Q.R.*, VIII, 686); on incest (fol. 101 b, similar to section xi, chap. 29, of the main work; the passage may perhaps be taken from Saadiah's treatise on this subject, see above, p. 214); on the idea of מים חיים (fol. 137 b; cf. *Z.f.H.B.*, IV, 17 seq.), &c.

We thus see that Qirqisāni also touches on all the points of difference between Rabbanites and Karaites. It must be observed, moreover, that of all the older Karaite authors Qirqisāni is most deeply versed in the Talmudic literature, and that his polemics are calm in tone and objective in character.

[4. **Menahem b. Michael b. Joseph** is the author of a poem with commentary on the laws of slaughtering¹, in which a controversy is directed quite clearly against a Rabbanite opponent. The superscription of this poem reads: זאת האגרת ששלח רבנו מנחם הקראי לעקלם הגר אצל ר' סעדיה הרבן על אדות הלכות שחיטה. Pinsker identifies the latter with Saadiah Gaon, makes Menahem his contemporary, and maintains that Menahem indulged in polemics against the

also Harkavy, *Stud. u. Mitt.*, VIII, 1, 203). In another passage Qirqisāni reproaches the Rabbanites for not taking prayers [exclusively?] from the Psalms (sect. 1, chap. 3; ed. Harkavy, p. 286: ומן ולך אלהם אסקמו אלצאה: (מן ספר ההלות וגעלודא ממה אלפוח הם אלך). A sectarian, Malik al-Ramli, prescribed that Ps. xxix should take the place of the Eighteen Benedictions, probably in agreement with the dictum of Hillel, the son of Samuel b. Nahmani, in *Berachot*, 28 b. See Harkavy, *Voschod*, Jan., 1900, p. 79. Similarly Petahia relates of the heretics in the land of Kedar: ואינם מחפלין אלא מומרים וכשספר להם הר"ר פתחיה החפלה שלנו וברכת המזון היה טוב בעיניהם (cf. Harkavy, *Altjüd. Denkmäler*; p. 106). Cf. also the Responsa of Levi b. Habib, no. 79: . . שהמינים בישראל אין להם ברכות מסודרות ומהוקנות אלא: כל הפלגן היא זמירה ופסוקים וכו'.

¹ Edited from a Leyden MS. (Cat. Steinschneider, no. 41⁶) by Pinsker, p. 55 seq.

Gaon¹. But this identification can hardly be considered correct, because the language of Menahem points clearly to a Byzantine Karaite, e.g. גבול for "definition" (p. 59, l. 7), יענה in the sense of "i.e." (= Arab. یعنی; *ibid.*, l. 28), expressions that the ancient Karaites in the East do not know. Consequently our poem cannot have been directed against Saadiah. Menahem belongs to a much later time, and is adduced here only for the purpose of showing that he does not belong to the category of the Karaite authors dealt with here by us. The lifetime of Menahem can, in any case, be determined with a certain probability. On the one hand, he is doubtless identical with the Karaite liturgical poet, Menahem b. Michael, of whose writings we possess (among others) a Zion Ode², so that he could not have composed any poetry before Jehuda Halevi. On the other hand, he is already cited by Aaron b. Joseph in the *Mibhar* (composed 1294) on Gen. xxvii. 3 (ed. fol. 50 b). We shall therefore not go wrong if we assume that he flourished somewhere in the second half of the twelfth century. For other proofs of a later date, see Geiger (אוצר נחמד, IV, 31) and Schorr (החלוץ, VI, 76).]

It is thus established that only three Karaites disputed with Saadiah during his lifetime. The other two, who, according to Sahl, likewise refuted the Fayumite during his life, certainly developed their main literary activity after the demise of the Gaon. This is also true of

5. **Salmon b. Jeroham** (Arab. **Sulejmān b. Ruḥeim**), about the circumstances of whose life we possess hardly

¹ It is superfluous to enter into the other identifications of Pinsker (such as that of Menahem b. Michael with Menahem ha-Gišni, &c.), as their impossibility has long been proved.

² Begins מִזֶּמֶר יְקִירִים עָלֵי בָנִים ("Karaite Prayer Book," ed. Wilna, 1890, I, 134; cf. Landshut, *Amude ha-Aboda*, p. 76). Other liturgical poems of Menahem are: two Kinnot, כְּנוֹר וְעֹגֵב לְקֹל בִּזְכִּיר and מִשְׁכַּנֵּי הַצִּרְחִי and אֱלֹהֵי אֲצֹק (ibid., I, 127 and 135), and a Seliḥa, beginning נִגְדָךְ שִׁיהִי (ibid., III, 316; cf. Pinsker, p. 139, no. 25; lacking in Luzzatto, נחלת שד"ל, in אוצר טוב, 1884, p. 4).

any authentic information¹. His Hebrew polemical work against Saadiah, written in wretched rhymes, is the only one that has been preserved from remote times, and this has been only partly edited. It was possibly composed while Saadiah was yet alive, about 940. I have already analysed its contents thoroughly in another connexion, and referred there especially to its snarling tone². Salmon wanted to render this work into Arabic too for the people, but we do not know whether this was carried out. In any case no Arabic version has been preserved.

Besides this polemical work Salmon also composed a series of Biblical commentaries, which were probably all issued in the sixth decade of the tenth century (i.e. after Saadiah's death), and which have been preserved partly in the original Arabic, partly in a Hebrew translation. Here, too, aggressive war is waged against Saadiah³, especially in the Commentary on Psalms (MS. in St. Petersburg). Salmon speaks here of Saadiah as of a completely unknown man (ושאחורת פי עצרי רגלא יוערף באלפיומי), and refutes his view that the Psalms might be recited as prayers only in the Temple and only with musical accompaniment⁴. Then he also controverts another view of Saadiah, that entire psalms are prophecies of David, and that the royal minstrel had assigned many of them to the sons of Moses and to other Levites, to be sung⁵.

¹ See in particular Steinschneider, loc. cit., § 40 (also *ibid.*, p. 340).

² *J. Q. R.*, VIII, 684 seq. I have since published many more passages from it, thus *ibid.*, X, 271; *Z. f. H. B.*, III, 172; and *Kaufmann-Gedenkbuch*, p. 186.

³ Sahl's statement, quoted above, is thus confirmed, that Salmon conducted his campaign against Saadiah in his lifetime as well as after his death.

⁴ See the passage in question in Neubauer, *Studia Biblica*, III, 18. It is not difficult to see that Saadiah with this assertion aimed at an ordinance of 'Anân. See above, note 5, p. 218.

⁵ *Ibid.*, p. 19. According to Saadiah, e.g., the heading למשה in Ps. xc means as much as לבני משה (he points to Judges i. 3, where יהורה and שמעון likewise stand for בני יהורה and בני שמעון), the heading לשלמה, in Ps. lxxii,

On Psalm cii. 14 there is a rather long excursus on the reckoning of the year of redemption, where likewise a vigorous attack is made on Saadiah. I have edited in full and thoroughly discussed this excursus¹, which Salmon again repeats almost verbally on Canticles ii. 11. On Psalm civ. 19 Salmon quotes his כתאב אלרר עלי אלפיומי, but it is doubtful whether he means here the Hebrew or the Arabic work². In connexion with cxl. 6 is related the often discussed fact that Saadiah denied that the Talmud speaks of physical struggles between the followers of Shammai and those of Hillel. This passage has also been thoroughly examined by me³.

In the commentaries on Echa and Kohelet, the only ones that I saw complete in the original Arabic, I found nothing polemical against Saadiah and especially nothing objectionable against the Rabbanites, who are elsewhere so violently attacked by Salmon⁴. Perhaps, therefore, Steinschneider is right in doubting their genuineness⁵, which has yet, in any case, to be established.

Finally, it may be mentioned that, according to Ibn al-Hiti, Salmon died in Aleppo during Saadiah's lifetime. The latter is said to have followed the funeral procession and to have pronounced a eulogy on the departed. All this naturally belongs to the realm of fiction (from mere chronological considerations), but still it is possible that Salmon indeed died in Aleppo⁶. We now know that Saadiah stayed in this town, even before his appointment as Gaon (about 921)⁷, but at that time Salmon was just a new-born babe.

is equal to "on Solomon," &c. Even David's authorship of any psalm is not to be disputed.

¹ "Miscellen über Saadja," III, Berlin, 1901 (reprint from *Monatsschrift*, XLIV, 400-16 and 508-29).

² See Pinsker, p. 133.

³ *Kaufmann-Gedenkbuch*, pp. 169 seq. (For a correction see *ההלה לזר מי*, Warsaw, 1902, p. 16; cf. also *Monatsschrift*, XLVI, 376.)

⁴ See *J. Q. R.*, VIII, 689; XIII, 337.

⁵ *Hebr. Bibliog.*, XIII, 103 (cf. *R. É. J.*, XLI, 305).

⁶ See *Z. f. H. B.*, II, 79.

⁷ In a letter to his pupils, dated 922, on the dispute about the Calendar

6. Ḥasan (or Ḥusein) ben Mashiah¹, according to the above-cited account of Sahl, wrote polemics against Saadiah both in his lifetime and after his death. He is also said to have tried to hold a dispute with the Gaon verbally, but the latter roughly repulsed him. He succeeded, however, in obtaining one of Saadiah's anti-Karaite writings (which the author is said never to have allowed to leave his possession), and refuted it immediately (in a separate work?)². It is, of course, difficult to establish how much truth is contained in this report, but in any case Ben Mashiah ought to be a contemporary of Saadiah, although a considerably younger one. According to Ibn al-Hiti, who often had good information at his disposal, Ben Mashiah, who lived in Bagdad, disputed with his fellow-townsmen, the Christian physician, Abû 'Ali 'Isa b. Zar'a. The latter wrote his polemical work against the Jews in the year 387 of the Hegira (=997), and if we assume that this disputation took place before the appearance of this work, that is, about a few years before 997, and that Ben Mashiah was already an old man then, he can hardly have been engaged in literary activity before 940. Hence al-Hiti is quite right in coupling him with Salmon b. Jeroham, as they were of about the same age³.

with Ben Meir, Saadiah says : 'רע כי בעורני בחלב באו מקצת התלמידים מבעל גר וכו' (*Saadyana*, ed. Schechter, p. 25, l. 12; cf. *J. Q. R.*, IX, 37, and *R. É. J.*, XLVIII, 149, note 3).

¹ For the literature about him refer to my article in *Jew. Encycl.*, s. v. (VI, 247; where, however, the determination of the period of his life must be modified in accordance with the present conclusions), and *Zur jüd.-arab. Litter.*, p. 47.

² Pinsker, p. 37 : '... וגם לא היה (ר"ל סעדיה) מביא אליו כי אם את אשר הוא : רע כי בעורני בחלב באו מקצת התלמידים מבעל גר וכו' (Saadyana, ed. Schechter, p. 25, l. 12; cf. *J. Q. R.*, IX, 37, and *R. É. J.*, XLVIII, 149, note 3). For continuation see above, p. 211.

³ See *J. Q. R.*, IX, 434 : '... אלשיכון אבו אלחסן (sic) בן משיה וכלמון בן ירוחם : כנאא פי זמאן אלפיומי וכאן בן משיה נאקצה מאקצאת כהירה פי בגדאד ובן ירוחם נאקצה פי חלב ... ואבו [עלי] עסי בן סרעה (זרעה l.) פי רסאלהה אלת[א]ם כבעין (?) ר"ל פיהא עלי אליהור הם אנה באבן משיה אלמזכור ותנאזרא (ותנאזרא l.) הו והו ואלרסאלה אלמזכורה האריכה עמלהה סנה 387. The date 387 is confirmed by Ibn abi Oseibia (ed. Müller, I, 236, l. 10 from bottom). Ibn Zar'a was born in August, 943,

Of Ben Mashiah's polemics against Saadiah, we are principally acquainted with a passage directed against the Gaon's defence of the antiquity of the present calendar-system, in which Ben Mashiah refers to "Sadducean writings (כתבי צדוקים, כתב אלצדוקיה), which are known among the people." This passage has been preserved in Arabic, in a commentary on Exodus, of which Sahl or perhaps even Ben Mashiah himself is the author, and in Hebrew in a fragment that originates from Hadassi¹. Besides this, a MS. has been recently published, in which Ben Mashiah reproduces a complete Hebrew treatise on the calendar of an otherwise unknown Rabbanite, Joshua b. 'Alân², and which writing perhaps originally formed the constituent part of a polemical work by Ben Mashiah.

7. 'Abû 'Anân Isaac b. 'Ali b. Isaac was, according to Ibn al-Hiti, an important Karaite scholar, who in a special work, entitled כתאב אלסראן (?), tilted his controversial pen against Saadiah among others. I have already compiled in another place the little that is known about him, and there shown that he probably flourished about the middle of the tenth century³.

8. Abu-l-Ṭajjib al-Jebeli (Hebr. Samuel b. Asher b. Manṣûr)⁴ is also mentioned by Sahl among the Karaites who wrote polemical works against Saadiah after his death. According to Ibn al-Hiti, he is said to have been a contemporary of Abu-l-Faraj Harûn; but as the latter flourished about 1026, al-Jebeli could not have been cited by Sahl. According to a further account of Ibn al-Hiti, al-Jebeli disputed with the head of a school, Menahem, after he became acquainted with a work of a son of Menahem

and died at the beginning of May, 1008; see *Fihrist*, I, 264; II, 121. Cf. also Steinschneider, *Polem. u. apolog. Literatur*, pp. 146-7.

¹ Both versions are published and discussed by me in *R. É. J.*, XLV, 176-7, where all particulars may be found.

² Edited in *הצפירה*, 1899, nos. 141-2, and again in *הגרן*, IV, 75 (cf. *Zur jüd.-arab. Litter.*, l. c.).

³ See *ibid.*, pp. 15, 16.

⁴ See on him my short article in *Jew. Encycl.*, VII, 16 a.

addressed to a certain Abû Tâbit¹. If this Menahem, as I conjecture, is identical with another of the same name, who addressed inquiries in Arabic to Saadiah (see הגרן I, 91)², then al-Jebeli could likewise have composed his polemical work about the middle of the tenth century.

9. 'Ali b. Ḥasan (or Ḥusein) likewise figures in Sahl's list among Saadiah's disputants, but there are no particulars known about him. Pinsker (p. קיא) identifies him with the grandfather of Levi b. Jefet, who, in his *Muqaddima* (ibid., p. 64, where 'Ali b. אלהסן), mentions a commentary on the Pentateuch by him. Accordingly, 'Ali, as he was the father of Jefet, would have flourished about 960-70. But there is a lack of sufficient proof for this, and, besides, the authenticity of the *Muqaddima* is not quite free from doubt³.

10. David b. Abraham al-Fâsi is the author of a comprehensive and voluminous Hebrew dictionary in Arabic, bearing the title כתאב זאמע אלאלפאט or אנרון. Pinsker and Neubauer have published detailed specimens from it, and placed the author in the second half of the tenth century, soon after Saadiah. On the other hand, there was no lack of attempts, especially on the part of Schorr, to place him in the twelfth century, after Ibn Ezra. But one will have to decide for the first date⁴. In this lexicon Saadiah is

¹ J. Q. R., IX, 435 : ואלשיך שמואל בן אשר בן מנצור אלמערקא באבו אלטייב אלגבלי : כאן פי זמאן אלשיך אבר (אבי ל.) אלפרג הארון ותנאצרא (= ותנאצרא) פי אלאביב ואלסנה אלשרעייה וכאן עלי ראי אלמולי אבו עלי רח אה ולה מקאלה פי אפסאר אלמחזור וחסאב אלמולד ורף עלי מנחס ראש מחיבא ענד וקופה עלי רקעה בן מנחס אלי אבי תאבת איידה אה. Al-Jebeli's work against the Maḥzor-cycle and the calculation of the Molad must be identical with the polemical treatise against Saadiah, as these subjects form the principle theme of polemics. When Ibn al-Hiti says further, that al-Jebeli was of the opinion of Abu 'Ali, i.e. Jefet, one need not yet conclude from this that he followed him, but that their opinions on this point were in agreement.

² Cf. Steinschneider, *Arab. Liter. d. Juden*, § 30 (and also ibid., p. 339).

³ Cf. also Steinschneider, *J. Q. R.*, X, 539, and my *Zür jüd.-arab. Litter.*, p. 49, l. ult.

⁴ See the literature dealing with the matter in Steinschneider, pp. 86 and 341, and in Bacher, *Jew. Encycl.*, s. v. (IV, 459, 460).

quoted twice s.v. **דש** (Pinsker, p. 108), and his interpretation of the verses Gen. i. 11, 12, is refuted. In these verses the yielding of fruit-bearing trees only is mentioned, not of ordinary trees (see Nahmanides on the passage). Now Saadiah must have explained ver. 11 in such a way, that the latter are to be understood by **עץ פרי**, i.e. trees that are a fruit of the earth, as opposed to fruit-bearing trees, which are **עשה פרי**. Ver. 12 is shortened, and should also read here **עץ [פרי] עשה פרי**. This explanation of Saadiah, which is combated by David b. Abraham, is, however, in contradiction to the Gaon's translation of the particular two verses.

11. **Abu Sa'id (?) David b. Boaz, the Prince (הנשיא, אלריים)**, according to a genealogical list of Solomon the Prince (Pinsker, p. 53), was in the fifth generation of descent from 'Anân. Hence David would have flourished about 910 (approximately $5 \times 30 = 150$ years after 'Anân), and have been a contemporary of Saadiah. On the other hand, according to Ibn al-Hiti, David composed his commentary on Kohelet in the year 383 of the Hegira (=993), and was mentioned even after Levi b. Jefet by the Solomon referred to¹, so that David would belong to the last quarter of the tenth century. This date seems to me also to be the more correct, principally because David, so far as is yet known, is first quoted by Joseph al-Baṣīr in the **ספר המועדים**². Hadassi also mentions him between Jefet and his son³, though this may be accidental.

Of David's works Ibn al-Hiti mentions, besides the commentary on Kohelet, still another on the Pentateuch and a book on the principles of religion (**כתאב אלאצול**)⁴.

¹ *J. Q. R.*, IX, 432: **ואלסיד דוד בן בועז רח אה הצמפה קהלת פי סנה צא ללהנרה**; and *ibid.*: **לאנה (אי שלמה הנשיא) דכר אוולא**; **ולה הפסיר אלתורה וכתאב אלאצול ענן הם בנימין הם דניאל הם אלקרקסאני הם אבו אלסרי הם אבו עלי אלבצרי וולדה הם דוד בן בועז אלנשיא הם אלמעלם אבו עלי (?) רחמה אה עליהם אצמעין**.

² See the passage in Pinsker, p. 199 (cf. also *ibid.*, p. קיא).

³ *Eshkol*, 241, פ: **של**: **המלכדים סהל ויפת ודוד הנשיא וכן (ובן ל) יפת נ"ע יחד וכו'**.

⁴ The composition of such a work also points rather to a post-Saadyanic Karaite than to a contemporary.

Of the Pentateuch commentary there have been preserved only considerable parts in MS., namely, on Leviticus and on the second half of Deuteronomy in St. Petersburg; on Exod. xxv. 1-xxxiii. 13 in the British Museum (Catalogue Margoliouth, Vol. I, No. 384), and, in addition, on the whole of Exodus in a modern copy in the Karaite synagogue in Jerusalem¹. According to Harkavy (*Z. A. T. W.*, I, 157), David, in the St. Petersburg MS., frequently controverted Saadiah, not expressly naming him, however, but only designating him as **הוא אלרגל**. In the London MS. there are two such passages (fol. 19 a on xxv. 32 and fol. 31 b on xxvii. 4), and in both the discussion is about the construction of appurtenances of the tabernacle².

Besides this MS. of the British Museum, Margoliouth has been trying to show that some other MSS. of the same collection also have David as their author, but the demonstration is not everywhere quite convincing³. We have to consider only two of them here. The one (MS. Or. 2494¹; Cat. No. 318¹) contains a commentary on the first pericope of Leviticus (the beginning and end are missing), and in two passages (ff. 1b, 4b) there is a hit at the **הוא אלרגל**. The second is much more important (Or. 2495; Cat. No. 306). This MS., of which I have a copy of a few excerpts, contains a very detailed commentary on Lev. xi. 1-xv. 25. Of authors mentioned here besides the Talmudists (designated **אלאולן** and **אלרבאנין**) and 'Anân, only Saadiah is very often cited⁴, sometimes as **אלפיומי**, sometimes also as **הוא אלרגל**, his name being accompanied by the formula **רה אללה**. The points on which Saadiah's views are combated naturally concern the laws of purity, but they are mostly questions of subordinate

¹ See Steinschneider, § 39 (also *ibid.*, p. 340).

² See the beginning of both passages in Margoliouth's Catalogue, where Saadiah is referred to in the one as **אלרגל**, and in the other as **הוא אלרגל**. In this MS. David is also called **אבו סעיר דוד בן בורו קרא** (the entire MS. is otherwise, without exception, written with Arabic letters).

³ Cf. *R. É. J.*, XLI, 305, 306.

⁴ See the list of passages in Margoliouth's Catalogue.

importance. Once (fol. 181 a, on xv. 25; see further, p. 233) the prescriptions about menstruous women are also discussed. The controversy is conducted calmly and pertinently. Different expressions are adduced, e.g.: (fol. 47 a)¹; (ibid.) ; (fol. 179 b); (fol. 78 a); (fol. 182 a), &c. Thus, unlike the Karaite custom elsewhere observed, only views but not personalities are combated. In one passage the author refutes an opinion of Saadiah, which is really that of the Talmud (viz., the well-known explanation of *בין דם לדם* in Deut. xvii. 8, that what is intended here is a decision respecting the pure and impure blood of a menstruous woman, see Sifre, ad loc., and parallel passages), and he refers to his own commentary on this verse (fol. 165 a): . . . אעלם אן גמיע מא קאלה (אי אלפיומי) לא יצא מנה שי ודלך באן קולה בין דם לדם הו פי דם נדה דעוי ולכצמה אן יקול הו פי דם נפשות אלדי תקע בין שוגג אלי מויד פחתאנז אלי פקה כהן גדול אד הו מעלק בה ואיצא קולה דבר למשפט ידל אן דלך כורג מנה ואנמא אלקצאין אלדי יקתל ען אמר אלהאכם וליס דם נדה וזבה מן דברי המשפט ולא דברי ריב בל הו מן אלמצות אלדי תערפהא אלנסא כמא יערפו אלרגאל שכבת זרע וליס פיה טאהר וקר ב'ניא פי תפסור הוא אלפסוק מא ידל². The Karaite author doubtless used as his source in every case Saadiah's commentary on the Pentateuch, and we should thus possess here important fragments of this vanished work.

12. Jefet b. 'Ali ha-Lewi (Arab. Abû 'Ali Hasan b. 'Ali al-Başri) must have flourished in the last quarter of the tenth century³. He is the most prolific Karaite exegete of

¹ See the whole passage in *R. É. J.*, XLV, 56.

² Perhaps the Samaritan Munajja b. Şedâqa also disputes with Saadiah on this point; see Wreschner, *Samarit. Traditionen*, p. 33. Cf. also *Keter Tora*, ad loc. (fol. 20 b).

³ His commentary on Daniel, which is apparently one of his latest commentaries (perhaps even the latest), appeared about the year 1000. See D. S. Margoliouth's preface to his edition of this commentary (Oxford, 1889), p. v.

the Bible, for he translated the entire twenty-four books of Scripture into Arabic and commented upon them very fully, partly at least in two recensions (Pentateuch, Psalms ?; see *R. É. J.*, XLI, 306). The commentaries of Jefet, especially that on the Pentateuch, afford very much valuable material for the history of the older Karaite literature and theology; but of the many MSS. extant in St. Petersburg, London, Oxford, Paris, Berlin, &c., unfortunately only a comparatively small portion has been edited¹.

According to Sahl, Abû 'Ali Hasan al-Baṣri, i. e. Jefet, likewise combated Saadiah in a special work, which is further corroborated by Jefet's own statements. The composition of such a work is promised in the passage on Gen. i. 14. After Jefet advances controversial arguments about the calendar against Saadiah in very thorough fashion², he adds that he has entered into this dispute only incidentally, because his main purpose is to present here an exposition of Holy Writ. But should God vouchsafe him the time, then he will refute the views of Saadiah in a special treatise (. . . ויגב אן יעלם אלקאר פי הוא אלבאב אני לם אקצר אלתערדן בראם אלמתיבה או בגירה מן מכאלפי אלקראיין ואנמא למא כאן חרד אלכלאם פי באב אלמטאלבה ואסתקצא עליהם גהדה דכרת עיון מטאלבאתה ואלרד עליהא באכתצאר לאנה כתאב תפסיר ולא יחתמל אלאתסאע ואן פסח אללה פי אלעמר פרדת להוא אלבאב כתאב יחתוי עלי גמיע מא אתבתה פי כתבה מן כתב אלתפאסיר וגירהא ואטהר מא עליה פי כל באב ובאב (אן שא אללה תע אלך). On the other hand, in the passage on Exod. xxxv. 3 (published by Pinsker, p. 20), he quotes this controversial treatise as already in existence: . . . ודלך כמא רדת בה עלי מרעייה פי אלכתאב אלדי אלפת לה. Jefet's polemical work, like many others, is now lost,

¹ A review of the known and available MSS. and of the parts edited so far is given by Steinschneider in *Die arab. Liter. d. Juden*, § 44 (also *ibid.*, p. 341, and *Zur jüd.-arab. Litter.*, p. 49; add the MS. no. 234 of the library of the Alliance isr. univ. in Paris, containing the comm. on Lev. xxvi. 38-xxvii, cf. *R. É. J.*, XLIX, 286, and the translation of Gen. viii. 1-22, and ix. 18-28, printed in Kahle, *Die arab. Bibelübersetzungen*, pp. 29-31).

² See *J. Q. R.*, X, 246.

and we do not know whether he composed it in Arabic, like all his other works, or in Hebrew, like a work directed against Jacob b. Samuel, to be mentioned below. But although Jefet maintains that he will not expand his commentary by a controversy with Saadiah or with other opponents of the Karaites, he does nevertheless indulge in polemics, especially in the Pentateuch commentary, very often and very thoroughly against the *ראם אלמחיבה*, and quotes rather long passages both from anti-Karaite works as well as from the Bible commentaries of Saadiah¹. I now proceed to give a survey of the passages in question from Jefet's commentaries, so far as I have them before me either in printed form or in manuscript excerpts². I arrange them according to subject-matter, and must observe that here especially Jefet very often repeats himself verbally.

1. On the justification of the Oral Law in general, its divinity and necessity: Exod. xxi. 33 (here Jefet defends very thoroughly especially the method of analogy, *היקש*, קיאם, applied by the Karaites) and Dan. xii. 4 (ed. D. S. Margoliouth, p. 141). Contrary to his usual custom, Jefet uses, in the last passage, very harsh words, and says that Saadiah and his party, in maintaining that one must without personal investigation follow the representatives of the prophets, that is, the teachers of the Mishna and Talmud, have thereby led Israel into ruin, and so forth³. Jefet treats

¹ See *ibid.*, 241 seq., the passages from Saadiah's anti-Karaite writings preserved by Jefet. Saadiah's commentary on the Pentateuch, e.g., is expressly mentioned by Jefet on Gen i. 14: *כמא קלה פי תפסיר הוה אלקצה*: . . . הם: Exod. xxi. 33; *פי בראשית והו קולך וקולה ולהבריל בין היום ובין הלילה ישיר אלך*; *מע דלך פאנא וגרנא לה פי תפסיר ואלה שמות פי ושמתו לך מקום אשר ינום יקול אלך*; . . . ודלך אנה חכי ענהם אלפיומי פי פצל מכת צפרדעים מא הווא נחניה חרף: xxiii. 15; *ואמא אלפיומי פקר אברע עלי כתאב אללה תע*: . . . כמק פי: xxiv. 4; *בחרף והו קולה אלך*: . . . פהרה הנאיה מא דהב אליה: Lev. xviii. 6; *תפסיר הווא אלמוצע חרף בחרף אלך*. אלפיומי פי תפסיר הוה אלפסוק וועס אלך.

² I use copies from the most varied libraries.

³ *פהרה אלאקאויל ונפראוהא תרל עלי בטלאן קול אצחאב אלתקליר מתל קול אלפיומי*. וגירה אלדן אהלכו ישראל במא דלנו וקאלו לים יגוון אן הערף פראיץ אללה תע מן אלנחה . . . ויגב אלתקליר לכלפא אלאנביא והם אצחאב אלמשנה ואלהלמור . . . פאטגי אלנאם בכתבה אלמוכרפה אלך. Cf. also my conclusions in *R. É. J.*, XLI, 183 seq.

this subject also in some other passages of his commentaries, and disputes here with the Rabbanites in general. He clearly hints at Saadiah in the passage on Deut. xxxiii. 14, and there employs similar expressions to those used in the Daniel passage: *וימכן אן יכון מעתמר ללקול אלבאטל ליצ'ל אלנאם* *ען אלחק' במא ילבם עליהם באקאויל מזכרפ' נשאהא פי כתבה אלך*.

2. Questions of calendar-science: hence the rise and age of the present calendar, validity of the *Dehijot*, fixing of leap-years, &c.—questions that are known to have been in the very centre of the controversy between Rabbanites and Karaites. The chief passage is Gen. i. 14 (partly edited *J. Q. R.*, X, 246 seq.; cf. also above), where Saadiah's theory about the great age of the calendar-system is quoted from his *Kitáb al-tamjiz* and the Pentateuch commentary and very thoroughly refuted. There further belong to this section: Gen. viii. 3 (the chronology of the Flood is here considered, and various questions of calendar-lore are discussed; cf. *J. Q. R.*, X, 241); xlix. 14 (partly the same as on i. 14; cf. *ibid.*, 248, n. 2; Saadiah's proof from 1 Chron. xii. 33 is chiefly refuted here)¹; Exod. xii. 2 (see *ibid.*, 248, n. 3, and 253); xxiii. 15 (on the determination of the *אביב*, hence on the question of the intercalary month; in two versions); xxxiv. 18 (on the same subject; Jefet refers here to the second version of his commentary on xii. 2 *וקר רדינא עליה פי החדש הזה לכם פי אלנסכ'ה אלזכר'ה במא פיה* (כפא'יה); Lev. xxiii. 3 (partly the same as on Gen. i. 14); xxiii. 5 (likewise in two versions; see *J. Q. R.*, X, 249 and 253); Deut. xvi. 1 (see *ibid.*, 250 and 253); xxxiii. 18 (likewise on the proof from 1 Chron. xii. 33); and 1 Sam. xx. 27 (see *ibid.*, 251). In many of these passages Jefet affords interesting material also about the history of the calendar among various sectarians and kindred matter (see e. g., *ibid.*, 265, n. 2).

¹ The same thing is again repeated by Sahl (in Pinsker, p. 37; cf. further *infra*, p. 242), Levi b. Jefet in his *ספר המצות* (see *כרם חמר*, VIII. 56), Jeshua b. Jehuda (*בראשית רבא*, MS. Leyden, 41², f. 89 b), and Aaron b. Elias (*גן עדן*, f. 4 c; the latter two without mentioning Saadiah).

3. The kindling of fire on the Sabbath, a question likewise often discussed in Karaite polemics. The Karaites, as is well known, not only prohibit the kindling of fire on the Sabbath, but even the continued burning of anything—a severity derived, as I have recently shown (*R. É. J.*, XLIV, 174 seq.), from the expanded meaning of the word מלאכה. Jefet often deals with this subject, viz. Exod. iii. 2; xx. 10 (Saadiah is mentioned here only cursorily at the end: . . . ונחן נתכלם פי תחרים סראנ אלסבת כללם אוסע מן הוּא . . . פי לא תבערו אש אלדי הו מוֹזַע אלחאנה וננקן גמיע מא דברה ראם (אלמתיבה בעון אללה); xxxv. 3 (this is the detailed passage to which Jefet previously refers; Saadiah's entire proofs are here adduced and thoroughly refuted; cf. Pinsker, pp. 18, 90); Lev. xxiii. 3 (completely the same as on Exod. xxxv. 3); Deut. v. 13 (here Saadiah is adduced only anonymously: . . . פאן קאל קאיל אן וַיִּבְעֶר הוּ מִנְעֻטָּה עַלִּי אֶלְנָאֵר תִּזְרְהָא פִּי אֶלְעִבְרָאִי . . . מוֹנֵתָה קִיל לָהּ אֶלְךָ; this conception of the word in Judges xv. 5 is that of Saadiah); xxv. 4 (see *J. Q. R.*, X, 251).

4. On the time of sacrificing the Paschal offering: Exod. xii. 6. This question is notably linked together with the Karaite interpretation of the concept בין הערבים, which deviates essentially from the Rabbinical: see my remarks in *R. É. J.*, XLV, 176 seq.

5. The fixing of the time of Pentecost, i.e. the interpretation of ממחרת השבת, one of the differences that the Karaites have taken from the Boethusians (see *Monatsschrift*, XLI, 206, and *J. Q. R.*, XVI, 407): Lev. xxiii. 15 (edited by Hirschfeld, *Arabic Chrestomathy*, p. 109 seq., Jefet's most detailed passage on this subject; cf. also *J. Q. R.*, X, 250, n. 2); Num. xxxiii. 3 (here Jefet refers to the former passage: . . . וקד כנא אוסענא אלכללם פי אלרד עלי ראם אלמתיבה פי מא אחתאנ; (ללרבוניין פי אתבאת מואהבהם פי וספרתם לכם ממחרת השבת אלך); Deut. xvi. 9 (very detailed; Saadiah is not expressly mentioned here, but is designated as הוּא אלרגל, once also as אלנאם ללרבאנין); Joshua v. 11 (here also Saadiah is cited only anonymously: פקד גלט מן טון אן ממחרת הפסח הוּא

biblical prohibition can be liable to limitation by another command (or, in other words, עשה רוחה ל"ת, cf. *R. É. J.*, XXXIV, 169), as e.g. the prohibition of Exod. xx. 10 by the command of Num. xxviii. 9¹.

8. Civil law: Exod. xxi. 24 (published and discussed in *Monatsschrift*, XLI, 205), where Jefet upholds the literal interpretation of the *jus talionis*, and at the same time disputes with Saadiah, without mentioning his name.

9. Exegetical and miscellaneous matters: Gen. i. 2 (communicated by Munk, *Notice sur Abou 'l-Walid*, p. 40, n. 1: וקר גלט מן געל אשתקאק תהו מן תהום אלך; Saadiah is meant, see Ibn Ezra, ad loc.); xv. 9 (a refutation of Saadiah's allegorical interpretation of the kinds of beasts mentioned here, where the Gaon partly follows the Midrash²; especially interesting are Jefet's concluding words: פלו משא (אי ראם אלמתיבה) עלי טאהרה בעארתה פי כחיר מן אלמואצע אלוי ירד עלי מן אכרג אלנצוין מן טאהרה אלי אלתאויל בגיר מאנע לכאן קר סלם מן (הזה אלולקה אלכבירה); xix. 11 (Saadiah is said to have maintained that ויאכלו in xviii. 8 referred to Ishmael and the servants of Abraham! In the translation there is no trace of this); Exod. iii. 2 (communicated by Pinsker, p. 72; on the explanation of לבת אש³; xi. 4 (? see Munk, l. c., p. 41); xxiv. 4 (according to Saadiah what is related here happened on Sivan 9, soon after the Revelation); xxx. 12 (on פאלוי⁴; Saadiah is quoted here anonymously: . . .

¹ The words of Jefet in question are: . . . וליס סביל אלסחחני אן ירד בלפט: . . . מהחמל ואנמא ירד בלפט מהכס מחל וביום השבת שני כבשים בני שנה אלוי אוררה אלפוימי פאנה מהכס פהזא אלפרק בין כי ישנו אחים ובין וביום השבת שני כבשים אלך. These words of Jefet must be the basis of Aaron b. Elias' conclusions, which are interesting though tinged with a philosophical tendency (*Gan Eden*, f. 159). Cf. also Pinsker, p. 66.

² This interpretation of Saadiah is also criticized by Dunash b. Labrat (no. 7), cf. Ibn Ezra's שפה יתר, no. 7, and Lippmann's notes on it, as well as Geiger's *Wiss. Zeitschr.*, V, 311, and נרם חמר, V, 101. On the Agadic interpretation of the Vision of Beasts especially see Steinschneider, *Polem. u. apolog. Liter.*, p. 266 seq., and on Saadiah's principles in his allegories, see the passages quoted *Monatsschrift*, XLI, 208, n. 3.

³ For the original of Saadiah's commentary on this verse, see *Z. A. T. W.*, I, 152.

⁴ The particular passage from Saadiah's commentary on this verse in

Saadia. One would therefore be justified in briefly analysing this polemical work, more especially as Saadia also is expressly mentioned here, in the second poem : צמדת למלמדך סעדיה הנופי (i.e. from נף in Egypt), אשר דבריו מלאים דופי, והם הושבים שהם כליל יופי . . . רבך סעדיה בא מיפיפיה אל ארץ דשא אכוריה, להטעות (i.e. out of Egypt, cf. Jer. xlvi. 20) שוגים ולחבל סמדרי פוריה, כזאת עשה בן צר[ו]עה.

This polemical work consists of three sections in doggerel verses of four members, in which, after the manner of the Arabic Muwashshah songs, three members of each strophe rhyme with one another, whilst the fourth members have one common rhyme. The acrostic in all three is alphabetical¹. That they all three belong together may be inferred from the superscription of the third : אשלש אל"ף בי"ת. Possibly these were originally followed by replies in prose. Their contents are as follows :—

In the first section Jefet combats the view that there exists an Oral Law revealed by God to Moses, and employs the following four proofs : (1) Moses commands Joshua (Deut. xxxi. 11 ?) in the presence of all Israel to read the Torah ; there is no mention of an Oral Law. (2) To all questions that the son should put to his father, the Torah gives (Exod. xiii. 8, 14 &c.) such answers as can be derived from itself, but not out of any Oral Law existing beside it. (3) Moses, in his last exhortation (Deut. xxxii. 7), enjoins that questions should be asked of the ancestors, the answers to which are contained in the same address : so that here also there is no need of an oral supplement. (4) God promised the scattered members of his people he would turn to them again when they would abandon the work of man (cf. Isa. xxix. 13), among which are to be understood Mishna, Talmud, and Agada, which men invented².

¹ The fourth, with the acrostic מקצת החרדים חוק, belongs, as Geiger, l. c., rightly recognizes, to Sahl's polemical work.

² To be sure, we cannot regard this point as an argument against tradition. In the last strophe the first two members must be reversed : חופשי הורה

In section II the same theme is treated, and two proofs of Jacob b. Samuel for the authenticity of the Oral Law are refuted. From Jer. xvii. 21, 22 Jacob seems to have urged that the Pentateuchal laws need a supplementary Oral Law, because it does not follow from the Torah that one may not carry a burden on the Sabbath, as the prophet here insists. Jefet replies that this prohibition is to be derived from Num. iv. 13, because here the carrying of a burden is called work (לעשות מלאכה); and the sons of Kehat had only parts of the tabernacle to carry). The second proof, which Jacob repeated after Saadiah, was that from 1 Chron. xxiv. 19. Here the words כאשר צוהו, which refer to the twenty-four priestly divisions, must necessarily refer to the command of an Oral Law, as there is nothing of it contained in the Written Law. Whereupon Jefet again replies, that כאשר צוהו particularly refers to the service of the priests (hence to Num. xviii. 7); but the twenty-four divisions were indeed first introduced by David¹.

In section III various ordinances and institutions are discussed: on the one hand, it is shown that the data of Scripture for these completely suffice, contrary to the view of the Rabbis; and on the other hand again, that a part of them are not of biblical origin, as the Rabbis maintain, and hence they cannot have any validity whatsoever. For example, the Priestly Blessing² is expressly enjoined in the Torah (Num. vi. 23); but its details, as in many similar commandments, are to be derived by means of the thirteen

ה' הכתובה, המיר הוגים בה בהשק ובאהבה, המורתה וחלופה (i.e. the Oral Law) ישימו להועבה, מלים לא יועילו ולא יצילו כי ההו המה (1 Sam. xii. 21).

¹ Saadiah can only have asserted that the priests were already grouped into divisions in the time of Moses, but not into twenty-four, for this number is ascribed to David in the Talmud also (Taanit Babli, 27a; "Tosefta," IV, 2, ed. Zuckermann, p. 219). Cf. also *Commentary on Chronicles*, ed. Kirchheim, p. 36 seq.; Hai's "Responsum" in קהלת שלמה, ed. Wertheimer, no. 20, as well as Maimonides and Nahmanides, "Precepts," no. 26. See also Zunz, *Literaturg. d. syn. Poesie*, p. 206.

² This and the following points must, therefore, have been advanced by Jacob as arguments for the necessity of an Oral Law.

Rules of Interpretation (which, as is known, the Karaites also accepted)¹. The libation at sacrifices is biblical, but the water-libation is a capricious addition to the words of God (for 2 Sam. xxiii. 16, e. g. has nothing to do with sacrifices), and hence to be avoided. Again, the singing of the Levites belongs to the nature of their service, and had no need to be enjoined; and if at the offering of firstborns a hymn of thanksgiving was sung, a similar hymn with instruments must have accompanied sacrifices.—In Ezra x. 3 the Rabbis refer **מהם** to the children, that is to say, these were also expelled from Judaism. But this is revolting; the word rather refers only to the mothers².—The different **שעורים** were devised by the Talmudists, and it was particularly the Rabbis rather than the Karaites (however the latter can determine without an Oral Law what kinds of work are permitted on the Sabbath and what forbidden), who had to ask themselves how it came about that in this law, which claims to be of Divine origin, there should be so many differences of opinion. This last reproach is notably repeated by all Karaite controversialists.

13. **Sahl b. Maṣliaḥ ha-Kohen** (Abu 'l-Surri) is one of the most prominent, but also of the most fanatical Karaites of the older period³. He is generally considered very

¹ The thirteen Rules are also used by 'Anân and the earliest Karaites, see *Steinschneider-Festschrift*, p. 208. Cf. also Harkavy, *Stud. u. Mitt.*, VIII, 1, p. xi.

² Cf. Pinsker, p. 23, n. 12, and Geiger, l. c., 21.

³ For the literature on him see Steinschneider, *Cat. Lugd.*, p. 294; *Die hebr. Übers.*, p. 964, n. 306; and *Z. f. H. B.*, VI, 184. The short article on Sahl in the *Jewish Encyclopaedia*, s. v. (X, 636; by Ochser), is written without any special knowledge of the subject and is not without a comic touch, for Sahl is said to have been one of the Rechabites! The **Maṣliaḥ ha-Kohen** (Alphab. 47 י), or **Maṣliaḥ Abu 'l-Sarri** (Alphab. 62 י) quoted twice by Hadassi, was perhaps the son of Sahl also cited by the author of the *Hilluk* (cf. Pinsker, p. 106, l. 10; Pinsker, p. 87, n. 2, considers him to be the father of Sahl). On the other hand, the **Maṣliaḥ b. Sahl ha-Kohen** and **Sahl b. Ṣalaḥ** (see *J. Q. R.*, XVII, 632), mentioned in a Pentateuch Codex of the Karaite Synagogue, might have been descendants of our Sahl b. Maṣliaḥ. These two are brought into connexion with the Massorete, Michael b. Uzziel, who probably lived in the twelfth century (see Steinschneider, *Arab. Liter. d. Juden*, § 167).

much older than Jefet, but the fact was overlooked that in the oft-mentioned list of Saadiah's disputants he also mentions Abû Ali Ḥasan al-Baṣri, i. e. Jefet. On the other hand, Aaron b. Joseph, in his commentary on Lev. xv. 25, expressly states that Jefet combats a view of Sahl (fol. 25 a: . . . ודעת הכהן רבינו סהל ידועה שאם תהיה בסוף יום השביעי טהורה ותטבול ואחר שטבלה ראתה דם בתחלת יום השמיני היא נדה ולא זבה . . . ודעת הלוי ז"ל להפך וטען לכהן במאמר על נדתה שלא יצא משלשה (דברים וכו'), which indeed occurs in the commentary of the former, although anonymous (see Munk, *Notice sur Abou 'l-Walid*, p. 6, n. 2). In any case, such anonymous citations are no convincing proofs, for the view represented by Sahl could be that of a much older Karaite exegete. But another circumstance must be considered. In his polemical work (soon to be mentioned) against Jacob b. Samuel Sahl speaks of letters and various questions which this Jacob addressed to him (see Pinsker, p. 26: עוד כתבת אלי ואתה עתה אם למען בקש חכמה ובינה שאלת : p. 36: באגרת שלך השאלות ממני טוב עשית . . . ואם למען תואנה שאלת לא טוב עשית &c.), and as Jacob was a pupil of Saadiah², Sahl can have written his work at the latest *circa* 960. He was thus most probably a contemporary of Jefet, of the same age³, and wrote about 960–1000. In agreement with this are the statements of Ibn al-Hiti that Sahl in his commentary on Leviticus controverted Joseph b. Noah, and that he was probably his contemporary, and further, that Levi b. Jefet controverted Sahl in his law-book⁴. Joseph b.

¹ Thus Munk concluded (l. c., p. 12), on the ground of such anonymous quotations, that Jefet is later than Jeshua b. Jehuda.

² See above, p. 235.

³ In Karaite literature now Sahl, now Jefet is put forward. See, e. g., Hadassi, 178 כ and מ, 213 ל and ט, 236 ה (where והכהן והלוי 241, 257 פ, 257 ט, 257 ז; Aaron b. Joseph on Num., f. 29 b; Aaron b. Elias, גן עדן, f. 52 d, 167 c, 168 b, 170 a, and כהן הורה on Num., f. 45 b, &c. The name of Sahl does not seem to have yet been found in Jefet.

⁴ *J. Q. R.*, IX, 433, l. 2: כאן מעצור אלשיך אבו . . . ואלאקרב אנה (אי אבו אלסרי) ; יעקב יוסף בן נח לאנה נאקצה פי אלאביב מנאקצה טווילה אנך . . . וכאן : l. 12: . . . (אי אלמעלם אבו סעיד בן אלמעלם אבו אלסרי לאנה (עלי ולאנה ms.)

Noah died (according to Ibn al-Hiti) in 393 of the Hegira (= 1002-3), and Levi wrote at the beginning of the eleventh century¹. That Sahl speaks of the period of Saadiah as of that of his predecessors, agrees with these facts (see Pinsker, p. 36: ולפני מזה בימי הפיתומי).

Sahl also composed a special controversial work against Saadiah, which he mentions in the same list, and which is likewise lost. But he must have disputed violently with the Gaon in his other works also, of which two, both in Arabic, deserve particular consideration. In the first place, there is a commentary on the Pentateuch, of which a fragment on Deuteronomy is said to exist in a MS. in St. Petersburg (*Z. A. T. W.*, I, 157). The part on Deuteronomy was also used in an anonymous Karaite compilation of the year 1351 (MS. Brit. Mus. Or. 2498, Cat. Margol., I, no. 334, cf. also below No. 38). But another MS. fragment on Exodus, at St. Petersburg, is said to belong perhaps also to Sahl, and here there are two passages against Saadiah. In the one (communicated by Harkavy, *Stud. u. Mitt.*, V, 225) Saadiah's contention, that 'Anân taught that the new month should be fixed by observation of the moon only in order that the Mahommedans (whose custom was the same) should appoint him head of the Jews, is rebutted with great indignation. The reproach is levelled against himself, that in his attempt to succeed to the leadership he relied upon the Mahommedans and desecrated the Sabbath, and that during the strife with David b. Zakkai, his opponents turned to every community with a ban against the man who wanted to attain office in such a manner. In another passage (communicated by the same in his edition of *Qirqisâni*, p. 254, n. 4, and *Otcherki*, I, 11, n. 3) Saadiah's assumption, that the

לה לאה] אלהצר הפסירה ור"א עליה (ms. עלי) פי ספר מצות אלוהי לה
refer to Abu Said, i. e. to Levi; see Steinschneider, *Z. f. H. B.*, l. c.]; *ibid.*,
l. 19: פי כניסת אלקראין בדמשק ראו (ראית ל) גזו מן הפסיר ספר ויקרא רקא ומן זמלה:
כא קאל אלמצלם אבו אלסרי פי מאקצתה לבן נח לה. ר"א סנה פי אלקדם אלשריף אלך.

¹ See my *Zür jüd.-arab. Litter.*, p. 6.

calculation of the calendar was first introduced in consequence of the advent of Sadok and Boethos, is disputed. But I have already expressed the conjecture that the author of this fragment is perhaps Hasan b. Mashiah (see p. 224).

A second important work of Sahl was a *ספר המצות* in Arabic (of which there are fragments in St. Petersburg), with a Hebrew introduction (edited by Harkavy in *מאסף* נדחים, I, no. 13 = *המליץ*, 1879, cols. 639-43), which contains much valuable information about the Jews in Jerusalem in the time of the author (see *R. É. J.*, XLVIII, 154), and is also otherwise very interesting. According to Steinschneider (*Z. f. H. B.*, VI, 185), this work is perhaps identical with the *ספר דינים* of Sahl cited by Samuel al-Magribi (Pinsker, p. 144). But it is more probable that Sahl treated ritual and civil law matters in two works, like Benjamin al-Nahawendi before him, of whose *ספר המצות* some fragments have recently become known (collected by Harkavy, *Stud. u. Mitt.*, VIII, 1, pp. 175-84), and whose *ספר דינים* on Civil Law is printed under the title (probably invented later) of *משאת בנימין*. In his law-book also, as a matter of course, Sahl disputed with Saadiah, and perhaps this book is the origin of a passage (communicated by Harkavy in Saadiah's *Œuvres*, IX, p. xlii) in which the Fayumite is reproached with not recognizing analogy as a legal noun, contrary to the Thirteen Rules instituted by the Talmudists: ויקול (אי אלפיומי) אן סדר עולם אלדי פיה קאל רבי יוסי בעשרים ובהמשה באלול נברא העולם הזה אגדה ואין סומכין על דברי אגדה אלך¹. ואסקט אלקיאם פי אלשרע ותרך מא קאלוה פי צדר תורת כהנים מן שלש עשרה מרות התורה נדרשת ולפטה נדרשת פהי

¹ That Saadiah did not hold the Agada as a standard authority follows also from the above-mentioned fragment of his polemical work against Ibn Sâqaweihi (No. 2), where he reproaches the latter with having derived arguments for his assertions not from Mishna, Mekhilta, and Targum, but from Agadot, from unauthenticated writings, and from Piyutim (*J. Q. R.*, XIII, 664 : ולם יסהשר עלי קולה בשי ממא פי אלמשנה ולא : ואלמנאלאה ולא אלהרגום ואנמא אהי בה שבע בעצהא מן אלאגאדאה ובעצהא מן כהב לא (שהארה עליהא ובעצהא מן אלהואגה אלך). It is also interesting to establish the fact that the expression על דברי אגדה ואין סומכין, which also occurs in Sherira

תרל" עליו אלאסתכראנז ואלקיאם לאנהם לם יקולו נמצאת פכאן יקול קאיל
 1. אנהא מוגורֶה פי אלנקל

Moreover, according to a conjecture of Harkavy, Sahl is perhaps the author of an Arabic lampoon against Saadiah, in which is included a similar Hebrew lampoon of one of Saadiah's most ardent opponents, namely, of the Gaon Aaron (or Khalaf, cf. *R. É. J.*, XLIX, 300) ibn Sarjâdo, as well as the libellous document of the deposition of David b. Zakkai (edited as far as extant, and completely discussed last, by Harkavy, *Stud. u. Mitt.*, V, 222 seq.). In any case Sahl's authorship is very doubtful, for in the first place the previously mentioned fragment on Exodus, which offers some parallels to this lampoon, originates rather from Ben Mashiah than from Sahl; and in the second place, Harkavy himself admits that everything seems to point to the Karaite author of this work having been a contemporary of Saadiah, and having lived in Irâq. But we know that Sahl probably wrote in the last third of the tenth century, and that he sojourned in Jerusalem². Besides, as this work is purely personal, and does not touch on any legal or other points of difference between Rabbanites and Karaites, it does not exactly fall within the scope of this dissertation, and it is only mentioned here incidentally.

Sahl, like Jefet, composed a polemical work, not only

(see *Eshkol*, ed. Auerbach, II, 47) and Hai (*Responsa*, ed. Lyck, no. 98), is already found in Saadiah, and was perhaps coined by him.

¹ Harkavy wavers between Sahl and Jeshua b. Jehuda, but the authorship of the first should be more probable: see his polemical work (soon to be mentioned) against Jacob b. Samuel (in Pinsker, p. 26): הוי ס' [ו] הרי רבניהם ולא ידעו בושת, האומרים יש תורה בפה עם המשת, והלא כתוב בתורה כהנים שלהם מפורשת, משלש עשרה מוות התורה נדרשת. [It may be remarked, by the way, that the passage cited in *Œuvres*, l. c., from a commentary on Exodus, is actually derived from Jefet's commentary, on xxi. 33; see above, p. 231, n. 1.]

² This follows not only from the preface to the המצוה ס' mentioned above, but also from many passages of the polemical work against Jacob b. Samuel; see, e. g., Pinsker, p. 27 below: אני מבית המקדש באתי להודיע את בני בית המקדש, and so forth (בית המקדש here in the sense of the Arabic بیت المقدس, i. e. Jerusalem).

against Saadiah, but also against his pupil, Jacob b. Samuel, which has now been edited from a copy of Elias b. Baruch Jerushalmi (Pinsker, p. 25 seq.)¹. Elias is probably also the author of the title *תוכחת מגלה* or *אגרת התוכחת*. It is written in Hebrew, but Sahl also intended to publish it eventually also in Arabic, so that those ignorant of Hebrew could also read it (p. 25: *... ואולי אכתוב פתשגן הכתב : 25*), but (הזה בלשון ישמעאל למען שיקרא בו מי שלא ידע לשון יהודית וכו'), but we do not know whether he carried out this project. Sahl's work has more the character of a reply, as it was preceded by letters of Jacob to Sahl, both in Hebrew and in Arabic². In any case the assertion of a controversialist so passionate and relentless as Sahl was, seems rather comical, that he took up his pen against Jacob only because the latter in his polemics indulged in irony and sarcasm (p. 31: *לא הייתי כותב : 31*). The style is lively, but too pathetic and too propagandist³. Here and there one also meets various Arabisms⁴.

The polemical work in its existing condition is not a uniform composition. At the beginning there is a poem with the acrostic *כהל בן מצליח הבהן הקרא מקצת החרדים חזק*⁵,

¹ Corrections and variants in Geiger, *אוצר נחמד*, IV, 22 seq. Cf. also *Kaufmann-Gedenkbuch*, pp. 180, 181.

² Cf. above, p. 239, then the passage (in Pinsker, p. 239): *כי כתבת אלי אגרת : בלשון ישמעאל*.

³ Many expressions are verbally repeated here and in the above-mentioned Hebrew preface to the *המצות*, e.g., *ואם ערלה פנימה לא*, thus, e.g., *המליץ* (col. 639, l. 34, and Pinsker, p. 43, l. 16); *ומאכילת בשר ושתות יין נושאן ובחורת ה' דבקן ועל דלהותיו שקרו ושמו* (ibid., l. 2, from bottom Pinsker, p. 31, l. 10). Pinsker, p. 31, l. 1 seq., is a complete *Kinna*. Sahl could not free himself, too, from Talmudical turns of expression, see Pinsker, 24, l. 3 from bottom: *וראיהך מבקש גרוה לעצמך* (from the *Boraita* *הורה*). Also interesting is the phrase (p. 26, l. 22): *מאנוהו*: *סבל הירושה*, which reminds one of the well-known *סבלו חקי המצות כלם*.

⁴ Thus *המקדש* for Jerusalem (see above, n. 3), then the expression *בעץ אלנשימין* (= *מקצת החרדים*), &c.

⁵ Divided in Pinsker by mistake into two (pp. 26 and 24), and the other half ascribed to Jefet, see Geiger, l. c., p. 20. That the poem forms a rounded-off whole is shown by the conclusion (p. 25); on the other

in which it is particularly and emphatically shown that the Oral Law cannot be of divine origin, as the teachers of the Mishna themselves were of divided opinion on many questions. Probably to this poem was attached an epistle, the beginning of which is missing¹, and in which grammatical and even orthographical errors of Jacob are pointed out, Sahl remarking that he found nearly sixty such errors in the letters of his opponent (p. 72: ועד הנה קרוב (לששים שגגות מצאתי באגרותיך). But as a matter of fact, the errors branded by Sahl (where, e. g. בסידרי, מסילה, &c., are written *plene*) are not errors at all, for this mode of writing was usual in the time of the Geonim in order to facilitate the reading of words without vowels.

The actual controversy begins with the words (p. 27): אני מבית המקדש באתי להזהיר את בני עמי Jacob b. Samuel; but it is really directed principally against the Rabbanites, as it is more in the nature of an admonitory and missionary pamphlet, in which Sahl appeals incessantly to the followers of the Talmud to abandon their former conduct and to walk in the only right way, the way of the Karaites: "Have mercy, O Israelites," he exclaims in one passage (p. 34), "upon your souls and your children! Behold, the light is burning, and the sun shines forth (i. e. Karaism). Choose for yourselves the good path, where there is living water, and walk

hand, in the poem as well as in the epistle and in the actual polemical work, one and the same phrase of Jacob b. Samuel, in which the word חרה occurs, is alluded to: see p. 24, l. 4 from bottom; p. 27, l. 16, and p. 30, l. 14 from bottom. By חרדים Sahl understands his rather strict co-religionists, see p. 36, l. 17: עתה אהינו הלא טוב ללכת אחרי החרדים (cf. also p. 26, l. 1: ... כי הוא אלהינו ואנחנו עם מרעיהו כי לקולו אנחנו חרדים).

¹ This follows from the opening words (p. 27, l. 16): עוד כתבתי אלי באגרת: שוך. The piece, p. 25, l. 26—p. 26, l. 5, seems to be the continuation of p. 27, l. 3 from bottom (if the words of Elias Jerushalmi, p. 25, l. 24, refer to it: (ומפני שיש לו ז"ל השובות כהובות לפני זאת האגרת כתב הנה בזה הלשון); and here also the conclusion shows that this epistle forms an independent whole. According to Elias (p. 25, l. 12), Sahl is said to have written besides this epistle ten further replies (i. e. letters most likely) to Jacob. But is this based on reality?

not in a waste and waterless land (i. e. Talmudism)," &c. "Brethren!" he exclaims in another passage (p. 43), "hearken not unto those who say that the Karaites (בני מקרא) wish you evil. God forbid! Verily we pray unto God, that he should have mercy upon his people, the remnant of Israel, and be mindful of the love for our forefathers. We write all this only out of love for you: circumcise the foreskin of your heart, for the time has come to awake from the sleep of the exile." In a similar strain he goes on reproving the Rabbanites repeatedly for their numerous sins, and accuses them of transgressing many prescriptions of the law respecting diet, purity, marriage, and the Sabbath (pp. 28-30, 32)¹, of being devoted to superstition (p. 32)², &c. And if many of the Rabbanites of Palestine have entered upon a better course, that is due to the influence of the Karaites (p. 33), whose ascetic mode of life Sahl describes in eloquent words (p. 31). The allegorical allusions of many verses are also interesting, as, e. g. Canticles i. 8 (p. 34), and iii. 7 (p. 36; cf. Geiger, l. c., p. 24); Zech. xi. 12 (ibid.) and 14 (p. 42). In the last verse he makes the staff נעם symbolize the empire of the heathen nations, which is styled "grace," because these nations have not destroyed the religion of Israel; by the staff חבלים is meant the yoke of the two women (Zech. v. 9), i. e. of the two *Jeshiboth* in Sura and Pumbaditha, which by means of Talmud and Agada "have

¹ They are mostly such prescriptions in which the Karaites differ from the Rabbanites, and are inclined to the severer view; thus, with regard to the enjoyment of an embryo (קבוט or שליל) and of the fat tail (אליה), the adoption of a minimum (שעורים) in the mixing of clean and unclean food, the marrying of a step-sister (בת אשת אב) and a childless sister-in-law (ינמה), &c. Almost all Karaites, from Qirgisâni and Salmon to Firkowitsch, are not tired of repeating these complaints.

² This passage is of especial interest for the history of culture: . . . ואיך . . . אחריש ודרכי עובדי עבודה זרה בין מקצת בני ישראל יושבים בקברים ולנים בנצורים ודורשים אל המתים ואומרים ר' יוסי הגלילי רפאני הבטיני ומדליקים הנרות על קברי הצדיקים ומקטירים לפניהם על הלבנים וקושרים עקדים על ההמר של הצדיק לכל מיני הלאים וחוגגים ומקטירים לפניהם (= ويحججون) על קברי הצדיקים המתים וכו' (partly repeated in Hadassi, Alphab. 104; cf. also Bacher, *Agada d. Tann.*, I², 354, n. 5).

destroyed the vineyard of the Lord" (מחבלים כרם ה' צבאות). This staff will now be broken, i. e. the traditional writings will be given over to destruction, and thus their declaration (אחוז in the sense of אחוז, Job xv. 17!) will be suppressed¹.

As can be seen, there is hardly anything of a personal controversy here with Jacob b. Samuel, but the attack is all the more violent against his teacher, Saadiah, whose name is accompanied by abusive epithets (p. 40: הזר הרשע האיש הרע התועה והמתעה המסית ומריח את עם [ישראל] מדרך הטוב (סעריה הפיתומי העקש הפותי [הפיתומי] ואת הישרה עקש). Besides the passage already quoted in this dissertation, where Sahl relates that Saadiah avoided disputing with Karaites, and did not publish his anti-Karaite writings during his lifetime, whereupon there follows a list of the Karaite controversialists (Pinsker, p. 37); it is also related of the Fayumite that in consequence of his persuasive arts² a dispute about the festivals broke out between the Palestineans and the Babylonians, so that they observed the festivals on different days, and hurled the ban against one another. I have shown (*J. Q. R.*, X, 154) that what is meant here is Saadiah's campaign against Ben Meir, in the year 921, which is now pretty well explained, and that Sahl's statements rest upon facts throughout.

Much more detailed is a complete excursus in which Saadiah's well-known theory of the great age of the calculation of the calendar is refuted (Pinsker, p. 37, l. 7 from bottom—p. 42, l. 25)³. Only one of the Gaon's

¹ Jefet interprets this word similarly in Cant. iii. 2 (ed. Bargès, p. 41), although he gives a different allegorical explanation to the entire verse. In his MS. commentary, ad loc., he refers to the vision of the two women to the Talmudic colleges of both countries, Palestine and Babylon (ואמא שהים נשים פהי אלמחיבתן אלתי אלוההוה באשםם ואלאזרי באלזראק) . . . ; and further : ואמא שהים נשים והם רוסא אלמחאיב אלקאילין באלמשנה ואלחלמור אלזי : (רפעהה פי אלשוהק אלעלא). Cf. also Hadassi, f. 10 a infra (letters ש and ת).

² Pinsker, p. 28 : ולפני מזה בימי הזיתומי אשר פתה אנשים, a play on words.

³ This excursus is not free from errors and repetitions, which cannot well be removed here. Whether Saadiah is meant by the מהרה (p. 28, l. 14), as Geiger (l. c., p. 23) presumes, is uncertain.

proofs is there combated, namely, that from 1 Chron. xii. 33: **ומבני יששכר יודעי בינה לעתים לדעת מה יעשה ישראל**. The sons of Issachar had, according to Gaon, understanding of the times (i. e. of the principles of the calendar), and let Israel know when they should "make," i. e. observe, the festivals. The verb **עשה** is also used of the observance of festivals, see Deut. xvi. 1, 10, 13. Sahl replies, not without humour, that the sons of Issachar fixed only the time of the paschal offering (for Deut. xvi. 1 refers only to this), of Pentecost, and of Tabernacles, but not that of the remaining festivals, in connexion with which that verb is not used. On the other hand, they must have taught the order of the festival offerings, the recurrence of the Sabbath, &c., because here **תעשו** (Num. xxix. 39) and **לעשות** (Deut. v. 15) are used respectively. In the same way the counsellors of Ahasuerus must have calculated the calendar, because they are called **יודעי העתים** (Esther i. 13). Finally, Saadiah contradicts himself, as he elsewhere maintains that the fixing of the calendar lay in the hands of the Sanhedrim, and he contradicts the Talmud, which speaks of torches used as signals on the determination of the new month, and of witnesses who were questioned about the new moon, and who, on that account, might desecrate the Sabbath (see Mishna, *Rosh ha-Shanah*, II)¹. Indeed, Sahl continues, the command for the observation of the calendar follows from Gen. i. 14, Ps. lxxxix. 38 and civ. 19, and calculation is

¹ These objections are repeated, partly in the same words, by Jefet and his son Levi, then by Jeshua b. Jehuda and Aaron b. Elias, see above, p. 231. The words of the last but one (MS. Leyden, 41², f. 89 b) are as follows: **ומהם אמר ומבני יששכר יודעי בינה לעתים אשר החפץ בו הבינה דעת החשבון**: **ואמר ולעתים החפץ בהם עתות המועדים אמר וכל אחיהם על פיהם יורה על היות ישראל כלם שבים אליהם בזה השער וגם זה מושחת מאופנים הא' כי הזמיכה על דבר איש באין ראיה רע והוא אלהקליד** (cf. *R. É. J.*, XLIV, 183, n. 4) **והב' כי זה לא יורה** [f. 90 a] **על אשר אמרו אבל הקרוב בו היות אלה יודעי בינה לעתות המלחמה והג' כי אם היה ישוב אל החשבון הטוב השיב אותו אל הכהנים אשר הם טוב יותר מבני יששכר והר' כי היה כבר אמר בגלל הירם** (2 Chr. ii. 12) **יודע בינה לחורם אבי ואם היה אמר פה יודעי בינה לעתים יגוש אשר אמר אותו כן יתחייב** [גם כן] **זה והוא אליל** (i. e. null) **והה' כי מצאנו אותו ויאמר המלך להכמים יודעי העתים** (Esther i. 13) **ואין החפץ בו כמו אשר אמרו ויש שם אופנים הרבה להשחית אלה הראיות כלם ואולם קצרתי אותם**.

strictly forbidden according to Deut. xviii. 10¹. Sahl also does not miss the opportunity of dealing a blow at the Talmud. He says that Saadiah's strange interpretation of the verse in question is not to be wondered at, as he only follows his teachers (i. e. the Talmudists), who have made assertions that are not less comical, e. g. when they deduce the commandment about Kiddush on Sabbath and festivals from Exod. xx. 8², or when they order the trumpet to be blown to confound Satan (see *Rosh ha-Shanah*, 16 b supra), &c. Finally, in support of the statement that the Talmudists also speak of an observation of the moon, Sahl (p. 41, l. 19 seq.) quotes a story that is said to be derived from the Talmud, but which has quite the character of the biblical stories of the Koran. Here also are truth and fiction interwoven, and the most diverse passages of the Talmud are welded together³. But it is not impossible that Sahl had

¹ That is to say, the calculation of the calendar system is to be regarded as sorcery and astrology. This strange assertion is first found in Daniel al-Qumisi (9th cent.), and must have been advanced already by 'Anân, see Harkavy, *Stud. u. Mitt.*, VIII, 1, 189: וקול דניאל אלקומסי נ"ע פי ספר מצוות: אסור לנו לדרוש ולהשוב את השבון הקוסמים ככתוב לא ימצא בך מעביר בנו ובתו באש קוסם קסמים וג'. ואין מותר לנו לדרוש חדשי יוי ומועדיו בהשבון הקוסמים והובר' שמים וכוי.

² P. 40, l. 26: . . . ואל יפלא בעיניכם פתרונותיו כי התלמיד ילך בדרך רביו ומעשה: אבות יעשו בנים וכן אמרו בשחרון זכור את יום השבת לקדשו תנו רבנן זכור את יום השבת לקדשו וזכרו על היין בכניסתו (על היין) מכאן סמכו הכמים על קדוש (לקדוש 1.) היום מן התורה. ואין לי אלא שבת וחג המצות מנין ת"ל למען תזכר את יום צאתך מא"מ. חג השבועות מנין ת"ל וזכרת כי עבר היית במצרים [ושמרת ועשית]. חג הסוכות מנין [ת"ל] וזכרת כי עבר היית במצרים (בארץ מצרים ויפך ה' אלהיך 1.). ומנן רבנן הסכות קאים דכתב מעיל אליה (דלילה 1.) הענק העניק לו וגו' וסמין ליה חג הסכות העשה לך שבעת ימים. ואע"ג דמדבר (דמדבר 1.) בקירושא צריך לאדכורי בצלותא ובברכת המזון מ"ש זכור וזכרת בו ב' פעמים פסוקים כתובים ואהו מועדות וילכו (וילפינן 1.) משבת לשבת (מה שבת 1.) בתפלה ואל הכוס אף (על פי) יום בתפלה ועל הכוס וכו'. This Boraitha agrees neither with the passage in the Mekhilta, ad loc., nor with *Pesaehim*, 106 a, but is taken from the *Halachot Gedolot*, beginning of קדוש והברלה, cf. also אור זרוע II, no. 25.

³ Cf. e. g. *Rosh ha-Shana*, 25 a, *Menahot*, 29 a, *Shebuot*, 31 a, *Berachot*, 63 b, &c. In consequence of the conflict that broke out between Gamliel II and Joshua b. Hanania, the former, in conjunction with Akiba and Tarfon, is said to have introduced the nineteen-year cycle, and to have abolished the observation of the moon: (ר"ל רבן גמליאל ור' עקיבא ור' טרפון):

before him some apocryphal *Boraithoth*. Hadassi, who adopted the same story, with a few unimportant deviations (*Eshkol*, Alphab., 1927–1941), probably drew from Sahl.

14. An anonymous Karaite author, whose work (in Arabic) is partly extant in a St. Petersburg MS., and who (among other things) controverted a passage from Saadiah's Arabic commentary on the ספר הגלוי (edited by Harkavy, *Stud. u. Mitt.*, V, 195), must likewise belong to the tenth century. Evidence of his antiquity is afforded by the fact that he quotes nobody but 'Anân, Benjamin al-Nahawendi, and Saadiah. This Karaite quotes from the work of Saadiah just mentioned, that the compilation of the Mishna began forty years after the restoration of the second Temple and was closed 130 years after its destruction, thus amounting (as the second Temple stood 420 years, according to tradition) to 510 years¹; secondly, that there were eleven generations of Mishna-doctors (see *ib.* 196, n. 11); and thirdly, that the latter generation fixed the Mishna in writing because they feared, in consequence of the cessation of prophecy and the increasing dispersion, that the tradition might fall into oblivion. The anonymous Karaite replies (see *ib.* 196, n. 13), that if the Mishna rests on true tradition, why was such a long period necessary for its compilation, whence the many differences of opinion, &c. They are the usual objections that all the older Karaites advance in their controversy upon these points: e.g. Qirqisâni, section ii, chap. 13 seq.²; Salmon b. Jeroḥam (cf. *J. Q. R.*, VIII,

והשבו חשבון לבנה ועשו מחזור ג' כ"ט כ"ג (גה"ח ארז"ט = ג' בגג"ג ב"ג, i.e. ג' ב"ט ב"ג, 1). כדי שיעשו ו' עבדות ב"ט שנים ובשלו את הראייה וכו'.

¹ In the original it reads: . . . אן אלמא אבהו בהדון אלמשה מן ארבעין סנה . . . כלת מן בנא אלבית אלהאני ועלי מאיה וכמסין סנה בער כראב אלבית וולך כמס מאיה ועשר סנין. These numbers do not agree with one another (for $420 - 40 + 150 = 530$), and Harkavy (p. 195, n. 6) therefore emends ועשר סנין into כמס מאיה ועשר, but it must be corrected reversely מאיה וולחין into כמסין וכמסין. The last date is given by Saadiah himself in his polemical work against Ibn Sâqaweihi (*J. Q. R.*, XVI, 108, l. 4 from bottom): . . . וואי אכר וקא אלהא: אלמשה וולך בער כראב אלבית אלהאני קל סנה.

² Only a part of chaps. 14 and 15 (see above, p. 218) is preserved, where in chap. 14 Saadiah's arguments for the authenticity of the Oral Law are

687 seq.); Jefet b. 'Ali on Exod. xxi. 33 (see ib. n. 6, and above, p. 230), &c. It may here be observed that both, Qirqisâni and Jefet, make verbal quotations from Saadiah on the questions dealt with here, and it is therefore possible that both used the Arabic commentary on the ספר הגלוי.

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advanced, and in chap. 15 they are refuted (partly edited in *Z. f. H. B.*, III, 175, 176). Yet Qirqisâni says here expressly that he will deal with this theme again in further chapters, and that he has already dealt with it in chap. 13 (MS. Brit. Mus. Or. 2580, f. 49 a): *וַאֲמַא מַא אֲכַבְרָה (אִי אֲפִיּוּמִי) בְּהַ : מִן כִּיפִיָּה אֲלִנְקֵל וְקוּלָּה בְּאֵן אֱלֹהִיּוּרָאָה כְּתִבְתָּ פִי סִנָּה אֲלֹאֲרִבְעִין וּמַא אֲתַבְעָה מִן אֲלִנְלָאִם . . . וְסִנְשִׁרְחָה פִימַא בְּעַד . וַאֲמַא מַא אֲרַעָאָה מִן אֵן אֲלִעֲלָמָא עֲמַדּוּ אֵלֵי אֲלִעֲלָם אֲלִתְקִירָא פִרְוִיָּה וְסִמְוִה מִשְׁנָה וּבְקוּ פִרְוִיָּה וַאֲן אֲלִתְלָאֲמִיר דִּלְנוּ מַא בְּקִי מִן אֲלִפְרוּעַ וְסִמְוִי דִּלְךָ תִּלְמִיד פִּקְדִּי הִקְדָּם אֲפִסְאֲדָנָא לְדִלְךָ פִי אֲלִבָּאֵב אֲלִתְלָה עֲשֵׂר וּבִינָא דִּלְךָ מִן וְגִיָּה עֲדָה וְלִיסָה בְּנָא הַאֲנָה אֵלֵי עֲאֲדָתָהָא אֲלִיךָ.*

(In a second Article, this account of the Karaite-Saadiah controversies will be brought down to the nineteenth century.)

THE FRANKFORT RABBINICAL CONFERENCE: 1845¹.

THE second meeting of the "Conference of the Rabbis of Germany²" took place at Frankfort on the Main, July 15-28, 1845; those present were: A. Adler of Worms, S. Adler of Alzey, J. Auerbach of Frankfort, Ben Israel of Coblenz, David Einhorn of Birkenfeld, S. Formstecher of Offenbach, Z. Frankel of Dresden, A. Geiger of Breslau³, Gosen of Marburg, Güldenstein of Buchau, S. Herxheimer of Bernburg, L. Herzfeld of Brunswick, M. Hess of Stadtlengsfeld, S. Holdheim of Schwerin, S. Hirsch of Luxembourg, Hoffmann of Waldorf, J. Jolowicz of Kulm, I. M. Jost of Frankfort, J. Kahn of Trier, J. Maier of Stuttgart, L. Philippson of Magdeburg, M. Reiss of Altbreisach, G. Salomon of Hamburg, L. Schott of Randegg, J. Sobernheim of Bingen, L. Stein of Frankfort, L. Süsskind of Wiesbaden, A. Treuenfels of Weilburg, H. Wagner of Mannheim, and B. Wechsler of Oldenburg. L. Stein, the recently chosen rabbi of the Frankfort congregation was elected President;

¹ Article VI of the series on The Reform Movement in Judaism.

² Die Versammlung der Rabbiner Deutschlands; this was the official name adopted at Brunswick; see *Protokolle*, 87; this name was changed at Frankfort to Die Versammlung deutscher Rabbiner (Conference of German Rabbis).

³ Geiger wrote a series of articles which appeared just before the convening of the conference in which he set forth what he thought the conference should stand for and aim to accomplish; see "Einige Ansichten über die nächste Rabbinerversammlung," *Allgemeine Zeitung des Judenthums*, IX, 322 ff., 340 ff., 386 ff., 398 ff.; the closing words of these articles express clearly his idea of the object of the conferences; "the only purpose that should be kept in mind is to strengthen the religious spirit of the present generation; all outgrown forms that have ceased to further the religious sentiment must be either abrogated or changed in accordance with the new life that the Jewish people are living now."

A. Geiger, Vice-President, and I. M. Jost and S. Hirsch, Secretaries.

The Frankfort Conference is notable because of the full and thorough discussion that the report of the Commission on Liturgy received at the hands of the rabbis present. This commission, appointed at Brunswick, reported through its chairman, J. Maier, of Stuttgart. The discussion of this report occupied the greater portion of the session; for nine days (July 15-24) the members of the conference debated the various recommendations of the report; the discussion was conducted on a very lofty and scholarly plane and in the course thereof many striking things were said; although most of the rabbis present leaned decidedly towards reform, still the conservative side was represented, and as will be seen the recommendations were by no means radical in character although of a reforming tendency throughout. The men gathered at Frankfort were for the most part open-minded and clear-sighted; they combined a thorough knowledge of Hebrew lore with a keen appreciation of the religious conditions in the Jewish communities and fearlessly yet reverentially gave themselves to the task of casting their Jewish inheritance into a modern mould¹.

The discussions on the liturgy are indicative of the spirit that permeated the conference, and must therefore be given at some length, notably as the points debated are of significance still to-day, sixty years later.

The Hebrew Language in the Service. The commission reported in answer to the question whether and in how far the Hebrew language was necessary for the public religious services, and if not necessary whether its retention was advisable for the present², that there is no objective necessity for Hebrew throughout the service, and that not

¹ For a fine statement of why the reform movement could be led successfully only by men of this type, cf. Holdheim, *Geschichte der Entstehung und Entwicklung der jüdischen Reformgemeinde in Berlin*, 40. Berlin, 1857.

² *Protokolle und Aktenstücke der Zweiten Rabbinerversammlung, abgehalten in Frankfurt am Main vom 15ten bis zum 28sten Juli 1845*, p. 18, Frankfurt am Main, 1845.

even Talmudic authority can be cited for this, barring few exceptions. But since a subjective necessity for the Hebrew possibly exists among a great portion of German Jewry at present, the commission deems it advisable to retain the Hebrew in the typical parts of the liturgy, viz.: *ברכו* with its responses, the *פרשת שמע*, the first and last three benedictions of the *תפלה* and the *קריאת התורה*; the remainder of the service to be in German¹.

Zacharias Frankel, who had criticized the Brunswick Conference so caustically², and who had appeared at this conference with the purpose of directing the discussions into a more conservative channel, and of becoming its dominating spirit, as became evident later on in his withdrawal from the conference when he could not accomplish this³, took occasion at the very outset of the meeting to define his religious standpoint and his attitude towards reform. He used here the famous phrase "positive historical Judaism" as expressive of his position. He discussed not so much the point at issue, viz.: Hebrew in the service, as the whole question of reform. It is necessary, first of all, said he, to lay down the principles that guide us. "Lack of principle (*Prinzipienlosigkeit*) is the greatest enemy of the faith and must be combated from all sides." He declared his platform to be positive historical Judaism. True, we cannot return to the letter of the Bible and take this as our guide, but shall we be guided on the other hand by the spirit of the age? The spirit of the age is as

¹ It is interesting to note that the first prayer book that was constructed on the lines suggested in this report was Dr. David Einhorn's; the Hebrew portions in that prayer book are the very ones suggested here; in the latest prayer book prepared by adherents of the reform movement, which is also the first to be issued by a body of rabbis and not by an individual, viz.: The Union Prayer Book published by the Central Conference of American Rabbis—the same Hebrew scheme is followed, with the exception that the last three benedictions of the *תפלה* are also in English.

² *J. Q. R.*, XVII, 679.

³ *Allgemeine Zeitung des Judenthums*, IX, 174-6; *Israelit des Neunzehnten Jahrhunderts*, VI, 256.

changeable as time itself. Further it is cold; it may appear reasonable but it will never be able to satisfy the heart, to comfort, soothe, and edify; Judaism, however, is always inspiring and edifying. The reform of Judaism is not a reform of the faith but of legal acts. These still exercise a living and definite influence on the people. It should not be our purpose to weaken but to strengthen this influence. We should not pay any heed to individuals who do not carry out the customs; we are not a party but must have a care for the whole community. The need of the hour is to prevent each and every division in Israel, not to call new parties into existence but to reconcile with one another those already existing. Another principle must guide us, viz.: the science of Judaism; this must be the foundation whereon every reform must build. There are great scholars who are not rabbis in active service and who are therefore excluded from our meetings; they should have a voice in such matters as require a scientific exposition of the thought and development of Judaism; it would be well, therefore, to secure their opinions, which could be done if all important resolutions were printed and spread abroad before a vote is taken here upon them¹. He concluded by stating that he considered the rabbinical conference an excellent institution, but that he could sanction its gatherings only if they would have in mind constantly the entire body of positive Judaism. He would therefore implore and adjure the assembly to declare its principles first of all and to permit no discussion whose only purpose was the expression of private opinions and views.

The President replied to Frankel and declared that they were quite at one in their views.

After this introductory digression the debate on the subject in hand proceeded, the main features of which are

¹ After his break with the Rabbinical Conference Frankel attempted to form a Conference of Theologians (*Theologenversammlung*) in accordance with these remarks; this conference of theologians was called for the fall of 1846 (October 21), but the meeting never took place.

reproduced here. Frankel opened the discussion proper by saying that the Hebrew language is interwoven with the very life of Judaism, and that for him it is the holy language. The Hebrew name of God, *Adonai*, means much more to the Jew than the German expression *Gott*. The retention of the Hebrew in prayer is necessary for the preservation of a knowledge of Holy Writ. Without this all true understanding of the Bible would be entirely neglected among the Jews.

Geiger asserted that all authorities agree that prayer may be spoken in any language. The question whether Hebrew is objectively necessary in prayer must be understood as meaning whether it is legally necessary. At all events, there is no prohibition anywhere to use other languages. This suffices¹.

Salomon claimed that not one of the recognized legal codes obliges us to pray in Hebrew. Mishnah and Talmud say distinctly *שמע בכל לשון* and *תפלה בכל לשון* (the *sh'ma* and the eighteen benedictions may be spoken in any language); so also we read in the Schulchan Arukh *יכל להתפלל בכל לשון אשר ירצה* (*Or. Ch. Hil. Tef.* 101. 4), "man can pray in any language that he desires," and in the Book of the Pious (*ספר חסידים*, par. 588 and 785), it is said expressly that the chief prayers should be uttered in the language which is understood, and that it is better "not to pray at all than to pray in a language that one does not understand." Hence there is no legal obligation to pray in Hebrew².

A. Adler averred that the designation of Hebrew as the holy tongue is no evidence for the necessity of its use as the language of the divine service; this name indicates only that it is the language of Sacred Scripture, whose

¹ For Geiger's views on this subject see also "Der Hamburger Tempelstreit" in *Nachgelassene Schriften*, I, 151, 153, 156; "Nothwendigkeit und Maass einer Reform des jüdischen Gottesdienstes," in *ibid.*, 212-214; also *Allgemeine Zeitung des Judenthums*, IX, 386, and *Jüdische Zeitschrift für Wissenschaft und Leben*, VI, 5-8.

² Salomon had expressed himself similarly in his pamphlet *Das Neue Gebetbuch und seine Verketzerung*, 20 ff., Hamburg, 1842.

sanctity depends not on the verbal expression but on the thought expressed. He objected to the distinction made by the commission as between the objective and the subjective necessity for the use of Hebrew in the service; this was of no importance; the vital question was whether the liturgy should be fixed for present needs or for always.

Reiss dissented from the report by claiming that the precept *אסור לשנות ממתבע שטבעו חכמים בברכות* (it is forbidden to change the form into which the wise men have cast the benedictions)¹, involves a prohibition to eliminate Hebrew since the prayers and particularly the formulae of the benedictions can be reproduced exactly in no other language. Further, a distinction must be made between the private prayer of an individual and the public service in the synagogue; only in the former case is German permissible as the language of prayer.

Einhorn stated unequivocally that no possible doubt can be entertained as to the legal permissibility of any language for prayer. "Nay I go further and state that the introduction of the vernacular into the service is necessary. Hebrew is the language of the study of the Law, but it is not the organ wherewith to express the feelings of the people. Aforetimes prayer was only a cry of pain; a scarcely intelligible expression sufficed for this; but now people need a prayer that shall express thoughts, feelings, and sentiments; this is possible only through the mother tongue."

Samuel Adler agreed that the Maimonidean precept quoted by Reiss was of weight. But on what does this pronouncement rest? There is no reason given for it because it is axiomatic. The wise men in Israel worked for the people; set prayers were necessary in order that prayer might not become merely a matter of caprice; the people, being incapable of giving a worthy form of expression to prayer requires that prayer be cast into set formulae. Hence that

¹ Maimonides, *Hil. Berakhot*, I, 5; cf. Talmud Jer., *Berakhot*, V, 9^b; VI, 10^b, &c.

precept of Maimonides was meant for the people only, not for the teachers. It is reported of Jizchaq Saggi Nahor that he was dissatisfied with many of the benedictions; thus for example he substituted כונן כסה דור ובונה ירושלים for בונה ירושלים. All chakhamim (wise men, teachers) had the same privilege and the rabbis of the present day are subject to the same sacred duty of providing for the people according to the needs of the present.

Stein called attention to the fact that prayers like *Yequm Purqan* and *Qaddish* were spoken in Aramaic and not in Hebrew because the former was the popular tongue at the time they were introduced into the service.

Upon the taking of the vote on the question as to whether it is objectively legally necessary (objektiv gesetzlich nothwendig) to retain the Hebrew as the language of the service, all voted in the negative except four, who refrained from voting, viz.:—Frankel, Formstecher, Schott, and Philippson. On the following day three of these declared their position definitely; Frankel voted with the majority, and stated that there was no law demanding the use of the Hebrew, except in a few instances such as the priestly benediction; Schott, referring to the dictum of Maimonides that had been quoted during the discussion, voted that Hebrew was legally necessary; Philippson declared that he withdrew his objection, which referred only to the form in which the question was put, and voted also with those who answered in the negative; hence, all present, with the exception of Schott and Formstecher, placed themselves on record to the effect that they did not consider it either objectively or legally necessary to retain Hebrew as the language of the service.

But this was only the first portion of the question under debate; the conference proceeded to discuss the latter half, viz.: “is the retention of the Hebrew objectively necessary on other than legal grounds?”

Hirsch opened the discussion by stating that he considered the exclusion of Hebrew from the synagogue unwarranted;

true, Hebrew had become unfamiliar to the people, and this was one of those instances of a collision between life and profession, the reconciling of which was their especial task. They should aim to solve the question as to how Hebrew could be taught in the schools without encroaching too much upon the time necessary for proper instruction in other branches. The chief reason why Hebrew should not be excluded from the service was that in such case the gulf between the theologians, who alone would understand it, and the non-theologians would become wider and wider, and as a result the distinction between clergy and laity which is foreign to Judaism would creep in.

Holdheim claimed that a weakening of the religious spirit would not result from the removal of Hebrew from the synagogue, for this does not depend on any language but on its inherent strength. The use of the vernacular in the service wherever it was found necessary would contribute very much towards clarifying the religious conceptions, and, far from harming Judaism, would make for a strengthening of the religious consciousness among the Jews, and secure recognition of the mission of the religion in the outside world¹.

Herzfeld gave voice to the vague sentimentalism of the romanticist when he claimed that the Hebrew should be retained because there was something mystical in it; "even though some things be not clearly understood this does no harm."

Geiger held that it was desirable that the service be conducted in the mother-tongue because this is the language of the heart (*Gemüth*); "all our deepest feelings and sentiments, all our highest thoughts receive their expression through it." He felt constrained to confess that a German prayer aroused in him deeper devotion than did a Hebrew

¹ Holdheim expressed himself similarly in his response in the Geiger-Tiktin controversy; see *Rabbinische Gutachten über die Verträglichkeit der freien Forschung mit dem Rabbineramt*, 78-9; also *Geschichte der Berliner Reformgemeinde*, 16, 196-7.

prayer even though Hebrew was his second mother-tongue, nay, he might say his first, since he had learned it first. Hebrew lives no longer among the people ; it is not difficult to perceive that even the reading from the Law wearies the greater portion of the congregation. It had been claimed, continued he, that if the Hebrew were to be eliminated from the service the very foundations of Judaism would be shattered ; he, for his part, considered it a most serious reflection on Judaism if it be held that it required the prop of a language to endure ; further, if the Hebrew is looked upon as an essential in Judaism, this would stamp the religion as a national religion since a peculiar language is the mark of an isolated national existence¹ ; and certainly no one present would assert that Judaism is necessarily dependent upon a separate nationality.

Frankel contended that religion as something abstract required outer symbols which remind us of God. This was the purpose of such commands as enjoined the use of תפילין, מזוזה, &c., &c. ; this also is the purpose of Hebrew as the language of prayer. So much that is characteristic of Judaism has been surrendered already that it is time to call a halt. True, a portion of the service should be in German, but the Hebrew must be the preponderating element. The ancient teachers who had permitted the use of other languages in prayer had in mind only the ignorant who would not have found solace in a non-Hebrew prayer without such permission. These teachers never thought of eliminating Hebrew from the service.

Maier challenged the claim that the Hebrew was the Jews' mother-tongue ; this has not been the case for centuries ; it may edify some few, but the congregation

¹ In these days of Zionistic agitation this contention of Geiger is of especial interest ; a similar view in regard to the Hebrew has been given expression to recently by Dr. Coblentz, rabbi in Bielefeld, in an article entitled "Zur Bekämpfung des unbewusst Nationalen im Gefühlsleben der deutschen Juden," *Populär-wissenschaftliche Monatsblätter zur Belehrung über das Judenthum für Gebildete aller Konfessionen*, XXV, 57-63, Frankfurt am Main, 1905 ; see also *Die Juden der Gegenwart*, 137, 267, Berlin, 1904.

does not entertain such a sentiment. This was recognized aforesaid so clearly that special books of devotion for women (תחנונות) were composed in German; these aroused the women to greater devotion than did Hebrew the men. The only point that appears worthy of notice is the national significance of the language as a sign of the common bond among Jews; but a minimum of Hebrew is sufficient for this, e. g. the retention of שמע and קרושה, the priestly blessing and the reading from the Torah.

Philippson urged that all extremes be avoided; it is apparent from what has been said that no one desires to eliminate the Hebrew altogether, and that no one, on the other hand, objects to the introduction of German; it is only a question of how much. The German and Hebrew elements must be combined organically. The Hebrew is indispensable as the point of union among Jews. German Jews are German; they think and feel as Germans, and desire to live and be active patriotically. But Judaism is not German, it is universal; the dispersion of Jews is not the dispersion of Judaism. The confession of Judaism represents this in content, the Hebrew language in form¹.

Abraham Adler urged that they must bear in mind but one object, viz.: the search for truth; all sentimentalism is to be avoided. It may pain us to relinquish some things and yet it may have to be done if necessity demands. It has been claimed that Hebrew is sacred; not at all; the language which expresses sacred things is sacred; if I speak truth in German then the German word is sacred; if I lie in Hebrew, then the Hebrew word is unholy. Not the letter nor the sound makes the Bible holy, but the content. It is claimed further that the Bible will lose its influence if we dispense with Hebrew as the language of prayer. Not at all. Philo has been cited as the horrible example of the effect of the ignorance of Hebrew (in one place he

¹ Philippson elaborated his views on the subject in a series of leading articles in his *Allgemeine Zeitung des Judenthums*, VIII, nos. 33, 43, 45, and 52.

mistranslates a Hebrew phrase rendering *ותקבר בשיבה טובה* "thou shalt be supported" instead of "thou shalt be buried in a good old age"); but this is an unfortunate illustration; even though he knew the Bible from a Greek translation only, his works are more truly religious than many passages in the Talmud. . . . The eternal creations of the mind preserve a language; sacred scripture is immortal through itself and requires no props. Again, it has been asserted that the Hebrew supplies the mystical element to the service which is a necessity; I grant that there is truth in genuine mysticism, which is frequently the subtlest comprehension of the truth; but the unintelligible is not mysticism, and truth is not revealed in the irrational¹.

Auerbach injected a new element into the discussion; much has been said on the score of sentiment as an argument for retaining the Hebrew, he remarked: "but sentiment is an unsafe guide unless linked with principle." The chief factor in the pending discussion has not been mentioned, viz. the historical. The most important issue of the day in Judaism is involved here, i.e. the relation of the national to the religious element. If these are to be separated no one is justified in accusing us of surrendering our national position for the sake of civic advantages in the countries wherein we are living. Whoever would charge us with this would misunderstand the issue altogether; the issue is not what we wish to do to solve our mission, but what we must do. History has decided. Centuries lie between the national and the purely religious. Yet despite this the attachment to the Hebrew is not mere sentimentalism. The national was not really divorced from the religious in Judaism, but the latter is really

¹ Abraham Adler, the rabbi of Worms, was one of the keenest thinkers among the early reformers. He was a brother of Samuel Adler, rabbi of Alzey, later rabbi of Temple Emanuel, New York. With H. Wagner of Mannheim, Abraham Adler undertook, in 1846, the editing of a periodical in the interest of the rabbinical conferences entitled *Die Reform des Judenthums*. But one volume of this periodical appeared.

a development out of the former; the purely religious element is the flower of Jewish nationalism. We must hold fast the thread of this development if we would not surrender the principle of Judaism. Judaism is essentially history; the history of Judaism is at the same time religion. The Book of Books holds the balance between the national and the religious elements. The chief significance of this for us lies in the fact that Israel, whose name is found on every page of the Bible, still exists. Judaism is not merely a religious confession; it differs from other religions in the relation of Israel to the holy books. Therefore we must continue to foster an intimate knowledge of sacred scripture, and that, too, through the medium of the original tongue, whose higher significance for us must be acknowledged also in our time, and the study of which must be encouraged and furthered in our schools. As for Hebrew in the service, we must bear in mind always that we should have in the service a fixed and a variable portion; the Hebrew portion is the fixed element: this fixed part has not the devotional purpose in view, but forms the background for the service.

Einhorn began by confessing that he was not learned enough to surrender healthy common sense. The prime consideration is that the service should be understood, and therefore the mother-tongue is the only admissible language. Even though the theologians were the only ones to possess a knowledge of Hebrew, this would not constitute them into a hierarchy as had been argued; a hierarchy is founded upon privileges, not upon learning. Sentiment is praiseworthy, but not that sickly sentimentalism which lames, nay, kills all spiritual life. We cannot strike the rock of a dead language and expect the living waters to issue from it which will quench the thirst of the people.

Herxheimer asserted it to be nonsense to address God in a language one does not understand. The sermon in the vernacular became necessary because the *דרשות* (rabbinical homilies) had become unintelligible; likewise the German

prayer has become necessary because the Hebrew is no longer understood.

Stein pleaded for the retention of the Hebrew as a bond of union among Jews. "We are brethren, descendants of one father; argue against it as one will, the national element will never be entirely eliminated from Judaism; we are no longer a nation it is true, but a great religious community scattered all over the earth; the Hebrew then is the bond of union of the widely-scattered sections of our great family."

The vote on the question as to whether the retention of the Hebrew in the service was objectively necessary for other reasons than the legal, resulted in a division, thirteen voting in the affirmative and fifteen in the negative.

The third question was now broached, viz. whether it appeared advisable, i. e. subjectively necessary, to retain the Hebrew in part in the public service. This was not debated at length, and the vote showed that the members of the conference answered the question unanimously in the affirmative.

This point having been disposed of, the question arose as to how much Hebrew there should be in the service. The commission had reported that the following portions should be in Hebrew: *ברכו* with its responses; *שמע* to the close of the first section; the first three and the last three benedictions of the *תפלה*; and the reading from the Torah.

Maier, the chairman of the commission, impressed upon the conference that they must have in mind not the adherents of the *Schulchan Arukh*, nor the irreligious element who have turned their back on Judaism, but those who desire to pray to the God of their fathers in the spirit, and whom the traditional prayers no longer satisfy either in form or content. The best rule to follow is to return to the pristine simplicity of the ritual as recovered by the investigations of scholars (especially Zunz). Hence we should retain in Hebrew those sections which express most clearly our common faith, our common descent,

and our common hope. The portions designated by the commission do this. The remainder of the service should be in German.

The debate on this point elicited some interesting remarks on the Reading of the Law.

Wechsler expressed himself as opposed altogether to the commission on this point. The chief reason for the reading from the law was that the people learn its contents: the reading was not intended to be an exercise to show familiarity with the language nor yet a demonstration (Deut. xxxi. 11). But in our day the קריאת התורה (Reading of the Law) is not instructive; it has neither rhyme nor reason. The people do not understand it; if it be our desire to carry out the original object of the institution, viz. that the people learn the contents of the law, then it should be read in the language the people understand. Let such portions as cannot be read in German because of their content be read in Hebrew.

Herzfeld declared flatly that the Reading of the Law must be in Hebrew. "There is a mystical element in this that seems to me important." Were we to relinquish the קריאת התורה this would entail the entire removal of the ספרי תורה (Scrolls of the Law) from the synagogue, and such a proceeding would call forth a universal cry of horror.

Salomon suggested that the Torah be finished in a triennial cycle instead of annually. Following the hints in the Talmud that certain passages of the Bible were partly not read and partly not interpreted, we too may assume the right to omit such portions of the Pentateuch as no longer suit our time. The reading should be in Hebrew without translation, because the sermon is based on the portion read, and through the sermon the congregation learns the contents of the Torah section. Besides, the translation would lengthen the service needlessly.

Hirsch held that the Torah section should be read in Hebrew in abbreviated form, while Jolowicz argued that the reading should be in German, and proceeded to say

that no passage is objectionable to him who comes into the house of God with a pure heart.

Holdheim maintained that the Torah should be read in Hebrew. Our children must learn the Pentateuch in the original tongue. In addition to the Pentateuchal section, portions should be read from other books of the Bible in the vernacular for the benefit of the women¹.

The recommendations of the commission as to the Hebrew portions of the service were adopted by a vote of eighteen to twelve.

The Messianic Question. The Jewish State. The all-important question of the present attitude of Jewish thought on the Messianic hope occupied the attention of the conference in the discussion of the next point in the report of the commission. This involved such allied matters as the particularistic or the universalistic interpretation of Judaism, the return to Palestine, and the restoration of the ancient polity. The issue was clear between the reformers who interpreted the Messianic doctrine in its universal world-wide significance as the hope for the coming of the Messianic age and the traditionalists for whom it implied a personal Messiah and a restored Jewish state, as clear as it is at this day between political Zionism with its national programme, and reform Judaism with its universalistic outlook.

Before the debate opened, Geiger, who presided, called attention to the fact that the point at issue was not the

¹ The first public debate in this subject of reading from the Torah is very interesting in the light of what has taken place since. The question of reading from the Torah has been debated time and time again, and the religious leaders are still divided in opinion as was the case at Frankfort; this became apparent as recently as the year 1904 when the question was debated at the meeting of the Central Conference of American Rabbis at Louisville, Ky.; some desired a selection of passages for public reading, others advocated that everything in the Torah be read, some entered the lists for the triennial others for the annual cycle. It is to be noted that the reading from the scroll is universal except in two radical reform congregations in the United States, one of which has removed the ark and scroll altogether.

framing of a distinct doctrine on the Messianic question, but merely how existing prayers were to be judged, and if necessary changed in the light of present thought on the question. "Undoubtedly there was the widest divergence of opinion on the Messianic question, but it should be stated at the very outset that the loyalty to the state of even such as hold the traditional view on the Messiah in its strictest form is not to be questioned for a moment¹." The only object the conference had in view was to satisfy the demand that nothing be uttered in the prayers which contradicts present Jewish conviction.

The report of the commission read: "The Messianic idea is to occupy a prominent place in the liturgy also in the future, but all politico-national elements are to be eliminated."

Einhorn, who throughout his career was a true prophet of universalistic Judaism, gave clear expression to his thought when he said that the idea of the Messiah is most closely connected with the whole ceremonial law; after the disappearance of priest and sacrifice the Jew thought salvation possible only through the restoration of the state, the return of the people to Palestine, and the re-institution of the sacrifices; hence, so many lamentations over the destruction of the temple. Wonderful indeed was the conviction and the courage that could indulge such hope in spite of ghetto and persecution.

Now, however, our views have changed; formerly the people believed that God's protection rested particularly on the holy land and the holy people; they believed that he took pleasure in sacrifices, and that the priesthood was

¹ This point was constantly emphasized by Gabriel Riesser, the foremost champion of Jewish civil and political emancipation; he would not have religious reform required as a condition of citizenship. In this the great religious reformers agreed with him, but they contended none the less that reform and nationalism were mutually exclusive terms; cf. Holdheim's statement, "only by the absolute separation of the political and religious elements in Judaism is a thoroughgoing reform possible," *Autonomie der Rabbinen*, Preface, VII.

a necessary institution for the remission of sin. The prophets preached against this narrow view. The loss of political independence was bewailed formerly as a misfortune, but in reality this loss was really progress, and entailed not a cramping but an expansion of the religious spirit. Israel approached nearer the fulfilment of its mission. Devotion took the place of sacrifice. From Israel's midst God's word was to be carried to all portions of the earth. Only the Talmud moves in a circle; we, however, favour progress. "Formerly I looked upon the Messianic idea as a surrogate of the idea of immortality, but I do so no longer; I see in it the hope of both earthly and heavenly salvation. There is nothing objectionable in the idea. Also the belief in the election of Israel contains nothing that is repugnant: nay, we must retain it as the consciousness of an undeniable advantage, for it creates a beneficial self-consciousness over against the ruling church. I vote for the elimination of all petitions for the restoration of bloody sacrifices and political independence; on the other hand I wish that the Messianic prayers be framed in such a manner as to express the hope for the spiritual rebirth and the union of all men in faith and in love through the agency of Israel¹."

Hess asserted that the belief in a personal, i.e. a political Messiah, had disappeared from among German Jewry; it should therefore be eliminated from the liturgy, for we should not petition God for that in which we no longer believe.

Holdheim called attention to two points requiring correction. (1) It is held on the one hand that the hope for a political restoration is in conflict with the feelings of patriotism for the fatherland; while it is asserted on the other hand that these are not in conflict. (2) We have

¹ Einhorn embodied these views in his prayer book עֵינֵי הַחַיִּים. For a clear exposition of the principles by which he was guided in this work see his statement "Die neue Gebetsordnung der Hai Sinai-Gemeinde zu Baltimore," *Sinai*, I, 97-100, 127-139, Baltimore, 1856.

been warned not to accentuate the national element because of possible misinterpretation. As against this it has been correctly stated that we are not to pay any attention to misinterpretations. The petition for a return to Palestine to establish a political state for those who still suffer oppression is superfluous on the one hand, because both those who are oppressed, as well as the rest of us, would be helped only by the removal of oppression; hence, we should petition for this; on the other hand, it is inadmissible because it makes of the Messianic expectation not a religious but a purely material hope, which is cheerfully surrendered wherever the political status is satisfactory. But the Messianic hope truly understood is indeed religious. It expresses either the wish for redemption and liberation from spiritual evil, and the realization of the kingdom of God on earth, or for the political restoration of the Mosaic theocracy which alone makes it possible for the Jew to fulfil the whole Mosaic Law. This latter religious wish can be surrendered only by those who have a higher conception of Judaism, do not believe the fulfilment of its mission to be dependent on the existence of a Jewish state, and are convinced that the loss of the separate political existence of Jewry was necessary for the highest interests of Judaism and commanded by the religion. Only a clarified religious point of view can displace an obscure one. But those who consider a political restoration necessary in the interest of the religion may not surrender this, however prosperous they may be, since religion as they view it demands categorically the fulfilment of this expectation. The rigidly orthodox as well as the reformers stand on religious ground; the difference between them is that the former desire the restoration of the old political status in the interest of the religion, while the latter posit the closest adherence to the politico-national conditions of the present as the demand of religion¹.

¹ For an elaboration of Holdheim's views on this subject see his *Das*

Hirsch declared that the Messianic doctrine is the centre of Judaism. The perfectibility of mankind on this earth is the characteristic mark of Judaism whereby it is distinguished from all other religions. All the prophets agree in this. If they were able to picture the Messianic time only in terms of a happy Jewish state, this was due to their human limitations. The prophets revealed the future only to improve their own age; therefore, they did not stand above their age, and had to teach the truth in the terms of their age. In the Talmudic era, the time of oppression, the Messianic doctrine had to shape itself accordingly. Everywhere the Jewish doctrine of the Messiah is fulfilling itself rapidly. Everywhere the emancipation of mankind is being striven for so that a morally pure and holy life may be possible of being lived by man on this earth¹.

Salomon contrasted the heathen poets who sang of a golden age in dim antiquity with the Jewish prophets who proclaimed the golden age in the far future, the time of light, truth, harmony, and peace. This is the Biblical idea of redemption. . . . If we consider that the intelligent section of Jewry to-day repudiate the belief in a personal, political Messiah, that even a great number of the so-called "pious ones" restrict the belief in a personal Messiah to the prayers in the synagogue, while in their life there is not a trace of their acceptance of this belief, it is absolutely necessary, unless we would make a sport of religion, to frame the expression of the Messianic doctrine in such a manner as to make it purely spiritual, particularly as our ancient teachers were unanimous in the belief that

Religiöse und Politische im Judenthum, Schwerin, 1845; *Die Autonomie der Rabbinen*, 10, 20, Schwerin, 1843; he gave detailed expression to his ideas on the reform of the liturgy in a series of articles entitled "Ueber die Prinzipien eines dem gegenwärtigen Religionsbewusstsein entsprechenden Cultus" which appeared in the *Literaturblatt des Israelit des Neunzehnten Jahrhunderts*, 1846, pp. 33, 42, 49, 53, 57, 61, 105, 109, 113, 117, 121, 125, 129, 133.

¹ Cf. his *Die Messiaslehre im Judenthum*, Leipzig, 1843.

our redemption would take place not through human agency, but would be accomplished by God himself.

Maier stated that the hope for a political restoration has been repudiated by the majority of the Jews in Germany, and if we do not wish that the attendants at our services should be guilty of mental reservations when the petition for the restoration of a Jewish state is uttered, we shall have to remove it from the liturgy, and give expression only to the universal and spiritual interpretation of the Messianic doctrine.

A. Adler criticized the statement frequently made to the effect that the monotheistic belief is the only thing that differentiates Judaism from other religions. This statement, he contended, confounds principle with content. Monotheism is indeed the principle of Judaism, but it does not constitute its chief content. There are other religionists who believe in the unity of God and still are not Jews. The belief in a future Messiah is peculiar to Judaism, and differentiates it from other religions more than does monotheism. This belief gives us the assurance :

1. That goodness, virtue, and holiness will issue as victors from the contest with evil, vice, and sin.
2. That the history of the world does not move in a circle, but will finally reach a goal, viz. the highest development of mankind.
3. That mankind is not doomed for ever to darkness, but will be reconciled with God in the end.

It contains implicitly the belief in the ideal resurrection of the nations, and assures therewith the immortality of individual man. We will prove our true religiosity when, instead of declaring what the Messianic belief is not, we will state how it is to be conceived in its very truth. By negating we merely take away, and contribute nothing; by positing we contribute something important, and take away nothing. Therefore we must substitute in our prayers the true idea of the Messiah for the personal representation, and give this adequate expression.

Auerbach held that the Messianic idea is the soul of positive Judaism, and its development lies in the transformation of the national into the purely religious. In the Talmud the national ideals are uppermost; the whole Talmudic system was in opposition to such individual utterances as expressed other interpretations of the Messianic idea. At that time the national expectation could not be surrendered. In our days, however, the ideals of justice and the brotherhood of men, have been so strengthened through the laws and institutions of modern states that they can never again be shattered; we are witnessing an ever nearer approach of the establishment of the kingdom of God on earth through the strivings of mankind.

Herzfeld exclaimed, whatever is false must be excised. No empty phrases! Everything must be clear and definite. The conference must declare what it means by redemption; yes, it should state that we are now entering upon the period of redemption. Freedom and virtue are spreading, the world is growing better.

Treuenfels set forth that the emancipation of the Jews in various lands does not clash with the belief in the political restitution of the Jewish state, as may be proved by the example of Poland. The national feature cannot be explained away so long as physical descent constitutes the Jew; *natio* is derived from *nasci*; just as little can the political element be eliminated from the Messianic idea, since the Messianic era even in its spiritual sense involves the complete transformation of the political conditions of the world.

Herxheimer emphasized the thoughts that the Messianic idea seems to express discontent with present conditions, trust in the goodness of Providence, and hope for a happier future. In times of misfortune the people recalled the better past, and associated this with David and his time. The best course to pursue in this matter is to retain all general expressions of these hopes, and to eliminate every utterance which was called forth by the oppressions of the Middle Ages.

Wagner claimed that the Messianic belief is a fundamental doctrine of Judaism, and as old as this itself. It must have always a prominent place in the liturgy because it is a characteristic mark of Judaism, includes definitely the idea of the election of Israel, and voices our hope that the fundamental truths of Judaism may become the common possession of all peoples. Let the rebuilding of Jerusalem and Zion be mentioned in our prayers as a tribute of piety to the holy city and the seat of holiness. The petitions for a return to Palestine and the restoration of the sacrificial *culte* must be stricken out.

Kahn averred that the Bible does not require us to believe in a personal Messiah. The prophets are not soothsayers, but truthsayers (*nicht Wahrsager sondern Weissager*). Not all of them prophecy the coming of a personal Messiah, but all agree in picturing an ideal Messianic era. So do we also expect the coming of a Messianic era, but not of a personal Messiah with accompanying political changes. The prayer *אתה בחרתנו* (expressing the doctrine of the election of Israel) may be retained as historically significant, but not such passages as emphasize a still existing difference between Israel and other nations (*המבריל בין (ישראל לעמים*).

Stein, in opposition to most of the members, pleaded for the retention of the prayers for the coming of the personal Messiah. Although our hopes are for the coming of the Messianic era of peace and good-will, still we may surely leave to God the manner of the fulfilment; all great events in the world's history have been accomplished by great personalities; may we not, then, confidently expect that this greatest and highest consummation of all, the ushering in of religious harmony, peace, and brotherhood will be accomplished through one sent of God¹?

¹ Stein changed his position on this subject radically during ensuing years. In his book *Die Schrift des Lebens*, published in 1872, he repudiated the belief in a personal Messiah. The people Israel is the Messiah, pp. 319-36, notably 320 and 336.

He also pleaded for the retention of the prayers for the rebuilding of Jerusalem and the temple, and continued¹: The followers of all the religions founded upon the Bible look to Jerusalem as the holy city, and I believe that when the kingdom of God shall be established on earth, and all men be united in the belief in the One God and in brotherly love, the holy city will arise from its desolation, and a magnificent temple where all peoples will worship together will be built there as the visible symbol of that spiritual brotherhood and union.

On the other hand, the petition for a return to Palestine must be excised, for this does not come from our hearts, and is therefore untrue. We know but one fatherland, that in which we live; we cannot pray "Mayst thou take us back in joy to *our* land"—as though our present home were strange to us, and our true home lay a thousand miles distant. There is another reason for this. Our fathers, oppressed and trampled to the earth, had to consider the dispersion as a curse perforce, and therefore they prayed *ומפני חטאינו גלינו מארצנו* "Because of our sins we were exiled from our land." Quite a contrary conception is ours. We have begun to recognize that the dispersion was a blessing, that God has scattered us over the earth as "the seed of truth," so that there might be worshippers of the one only and true God everywhere (Isa. lxi. 9; Zech. viii. 13, 23).

Formstecher remarked that scientific theology must recognize the Messianic idea as the red thread which runs through all the stadia in the development of Judaism; but where lies the necessity of incorporating a formulated Messianic doctrine into the liturgy? We have the Messianic doctrine in the Bible. Any concrete form into which we would cast it would constitute it a dogma, and Judaism desires no dogmas. Therefore this whole Messianic matter should be excluded from the liturgy, and its place be taken by readings from the prophets on the subject, to be supplemented by the sermon.

¹ For his change of view on this subject also see *Die Schrift des Lebens*, 318.

Philippson said epigrammatically that revelation is the foundation, and the Messianic idea the roof of Judaism. Judaism, however, includes no political striving for a kingdom of its own, even though the term nation must be retained because of the fact of descent. All political features must be discarded.

The resolution on this subject as adopted finally by the majority reads: "The Messianic idea should receive prominent mention in the prayers, but all petitions for our return to the land of our fathers, and for the restoration of a Jewish state, should be eliminated from the prayers."

The Mussaf Prayer for the Restoration of the Sacrifices. The whole commission agreed on reporting that a repetition of the תפלה (the eighteen benedictions) was unnecessary, and the majority of the commission held that the whole *Mussaf* service was inadmissible because the sacrificial *culte* was outgrown, and no longer expressed the religious *status quo*.

This report also called forth a lengthy debate, a few expressions from which follow:

Salomon: With our conception of the Messianic idea the *Mussaf*, which is primarily a petition for the sacrifices, is a *contradictio in adjecto*.

Formstecher: Basing as we do on the positive historical standpoint, we should mention the sacrifices in our prayers as a historical reminiscence, not in the way of petition for their re-institution, but in the way of thanks that we have substituted prayer for sacrifice in accordance with the utterances of the prophets.

Holdheim: According to the legal interpretation of Judaism sacrifice is expiation; repentance alone does not bring forgiveness—altar and priest are necessary. This idea was combated by the prophets, but it persisted among the people, and the Talmud adheres to this external justification; therefore prayer is conceived in it as only taking the place of sacrifice in the interim until this shall be restored. We, however, occupy an altogether

different position in this matter, and cannot possibly petition for the sacrificial *culte*. However, the entire elimination of the *Mussaf* service would meet with general disapprobation. Let us retain the form, but substitute for the traditional prayers such others as express our religious standpoint in the matter.

The vote on the question—"Shall the petitions for the restoration of the sacrificial *culte* be removed from the prayers?"—was unanimous in the affirmative.

"Shall the sections of the Torah which command the offering of sacrifices continue to be read?" Majority in the affirmative if the text be read in Hebrew.

"Shall reminiscences of the sacrifices find a place in the liturgy?" Majority in the affirmative.

Cycle of Torah Readings. The commission recommended the triennial cycle, and the abolition of the *Aufrufen*; the referee Maier, however, declared for the retention of *Aufrufen*.

The triennial cycle received all the votes but five.

All voted for the translation of the Pentateuchal section in order to make the people again familiar with the Torah, as had been the purpose of the Targum of old; the only difference of opinion arose from the consideration of the best manner of carrying this out; many felt that this translation or explanation should take place only when there was no sermon.

The decision in favour of the triennial cycle brought up the question of the celebration of שמחת תורה (the Feast of Rejoicing in the Law). Should this feast be celebrated annually or triennially, and should the pentateuchal sections וזאת הברכה and בראשית be read annually or triennially?

During the debate on these questions, Maier contended that שמחת תורה is only the second day of שמיני עצרת; therefore he was opposed to the annual reading of וזאת הברכה.

Philippson expressed himself similarly because we have in שבועות a feast of rejoicing in the Law. Holdheim asserted that the significance of the holiday as שמחת תורה is of late

origin. In the original prayers for the Feast of Tabernacles no mention is made of it; it is thus designated only in the *Piyutim*. The vote showed the majority to be in favour of the triennial celebration of the holiday.

Aufrufen (*Calling to the Law*). The commission, with the exception of Maier, reported in favour of its abolition.

Gosen, one of the ultra conservatives, made the surprising statement that he wished the *Aufrufen* retained, because the Jew looks upon it as a kind of confession of faith, as a personal acceptance of the Law, almost as the Christian does the Eucharist.

Holdheim called the correctness of this statement into question,—But, said he, if this is the case it is a reprehensible error for the removal of which it were desirable to so arrange the Torah reading that the people would consider it an exercise for instruction; but it may never become the occasion of introducing a sacrament into Judaism which has no sacraments in the Christian interpretation of the term. Therefore he favoured the abolition of *Aufrufen*, if for no other reason than to prevent the error that the Jew considers it equivalent to a confession of faith.

A. Adler favoured its abolition because the *Aufrufen* accentuates the distinction between the sexes in religious functions, men alone being called to the Torah, while we must insist upon equality of men and women in religious functions. Further, the whole congregation would take more interest in the reading were there no *Aufrufen*, since many look upon the reading as especially for those who are called.

In spite of these spirited expressions the great majority voted for the retention of the *Aufrufen*, but against the repetition of the *מפטיר*.

*The Organ*¹. The question, Is the organ permitted in

¹ It is rather remarkable that this question should have occasioned no debate at the first public gathering in which it was broached. There has been no modern synagogal reform which has called forth more heated controversy than this of introducing the organ into the house of worship.

synagogue? was decided in the affirmative by a unanimous vote without debate.

A further question was "May and should the organ be played by a Jew on the Sabbath?" This occasioned a debate whereof a few expressions follow:—

Löwengard: Yes. The expression אין שבות במקדש (rabbinical legislation for the sabbath is not considered binding in the performance of any service in the temple) must be applied also to the synagogue, since we no longer pray for the restoration of the Temple of Jerusalem.

Einhorn: If the Talmudists make a distinction between temple and synagogue, the reason is that they consider the offering of sacrifices necessary for full divine service. We, however, consider the abolition of sacrifice as a step in advance, and therefore אין שבות במקדש is also applicable to the synagogue.

Holdheim: We have almost unanimously resolved to Time and again it has been a bone of contention in congregations, and still to-day ranges Jews on opposite sides. The first official expression we have on the question is the report of the committee submitted to this conference (*Protokolle*, 326–34), although there were individual expressions on this subject in the collections of opinions called forth by the reforms in the Hamburg temple in 1818, one of which was the introduction of the organ. The committee's report at the Frankfort conference marshalled reasons in favour of the playing of the instrument; sixty years later (1905), the question is still a living issue in Germany; the Cologne congregation was almost disrupted because of the resolution to introduce the organ; in Berlin the entire rabbinate in 1904 issued an opinion that the innovation was not against the practice of Judaism. (*Das Gutachten des Berliner Rabbinate über die Orgel*, *A. Z. d. J.*, LXVIII (1904), 65; see also *ibid.*, 121, 349.) The celebrated Jewish scholar A. Berliner in that same year took stand against the introduction of the organ: see his pamphlet "Zur Lehr und zur Wehr"; cf. also Geiger *J. Z. W. L.*, I, 89–98; Philippson, *A. Z. d. J.*, XXV, 1861, no. 48. Wiener, Wechsler, Adler, Kahn, Low, Aub (all favourable), Landau (opposed), *ibid.* In Germany many conservative congregations have organs in their synagogues; in France it is universal: see programme of central consistory of May, 1846, which ordered organs to be placed in the synagogues *A. Z. d. J.*, X, 346; in England only the three so-called reform synagogues have the organ, though at marriages the organ is used in orthodox synagogues; in the United States it is general excepting in ultra orthodox houses of worship.

eliminate from our prayers the petition for the return to Jerusalem and the re-institution of the sacrificial service, and have declared clearly thereby that our houses of worship are on an equal footing with the Temple of Jerusalem, that our service, with its devotional inwardness, is of a higher character than the sacrificial service, displaces it for the whole future, and makes it dispensable. If, then, the sacrificial service in itself involved no desecration of the Sabbath, if the instrumental music accompanying it gave it a higher consecration, why should this be less the case with our service that is of a loftier character according to our conviction?

The question was decided unanimously in the affirmative. This closed the consideration of the report of the commission on the liturgy.

Circumcision. A communication was addressed by Dr. Fr. Th. Baltz to the conference on the subject of circumcision: he wrote that circumcision has evil results, giving rise to sexual diseases and sometimes to impotence; he proposed that if it cannot be abolished altogether it should be performed in such a manner as to preclude danger and evil results. The conference answered by stating that it recognized gratefully the good intentions of the writer; as for the supposed evil results of circumcision that he mentions, it must be said that there are other medical authorities who claim just the opposite; Jewish marriages are very fruitful, as is well known. At any rate, the matter is of the highest importance, and for that very reason is not ripe for consideration. As for the manner of performing the operation, most of the German governments had passed laws on the subject and put it under the supervision of the medicinal police. The conference would undoubtedly consider the subject at some future time, and would then take note of the communication of the writer.

The Status of Woman. During the debates on the report of the commission on liturgy, the necessity of declaring the equality of woman with man in the per-

formance of public religious functions was mentioned by several speakers. One of the marked achievements of the reform movement has been the change in the religious status of woman. According to the Talmud and the rabbinical codes, woman can take no part in public religious functions; the question was brought formally before the conference by Samuel Adler in a resolution which, after reciting the traditional view, goes on to say that the conference declares that "she has the same obligation as man to participate from youth up in the instruction in Judaism and in the public services, and that the custom not to include women in the number of individuals necessary for the conducting of a public service is only a custom, and has no religious basis."

The subject was not debated at length, and was referred to a commission consisting of S. Adler, Einhorn, and A. Adler for report at the next conference.

The Sabbath Question. A commission consisting of Geiger, A. Adler, Wechsler, S. Adler, and Kahn had been appointed at the Brunswick conference on the motion of Hirsch to report on the question "if there were any means, and if so, what, to reconcile Jewish doctrine and the demands of modern life in reference to the Sabbath¹." President Stein suggested that owing to lack of time the consideration of the report of the commission be postponed until the next conference. Since the whole report was constructed upon one leading idea as its basis, said he, it would not be fair to dismember the report by taking up some points and neglecting others. The report should be considered as a whole. He suggested that the report be printed and distributed to the members of the conference, who would then have time to study it, and come prepared for a full and free discussion next year. However, he did not wish to dictate to the conference, and he would put the question whether the members wished to go into a consideration of the whole report? This was negatived.

¹ *J. Q. R.*, XVII, 677.

The question was then put whether special points in the report should be taken up.

Geiger, the chairman of the commission, desired special points in the report to be discussed: they are of such importance and are so constantly brought to the attention of all rabbis that they must have been thought upon earnestly by all, and therefore all must be ready to discuss them. The difficulties presented by the question of Sabbath observance are among the most serious confronting us. It is not a question of theory, but of practice. The demands of life require action on our part. Even though we may not all agree on principles, still we may be able to agree on results.

However, the conference decided to postpone the consideration of the separate points also till the next conference, when the Sabbath question was to be the first subject to be taken up. It was also decided to print the report of the commission.

The commission was directed to consider also all questions connected with the observance of the holidays and fast days, and incorporate this in their report.

Revision of Marriage Laws. Time not permitting the extended consideration necessary for so important a subject the Commission on the Revision of the Marriage Laws appointed at the Brunswick Conference was ordered to publish their report, which would be taken up at the next conference.

Jewish Theological Faculty. Philippson offered the following resolution: "The rabbinical conference declares that it considers the foundation of one or more Jewish theological faculties in Germany a worthy and high endeavour, and that it will co-operate earnestly with such work.

Resolved, that a commission be appointed, whose aim it shall be to interest the public in this noble cause and to work for its consummation in connexion with representative and discerning men in all walks of life." The commission named consisted of Geiger, Philippson, Stein, Holdheim, and Salomon.

Name. The President suggested the advisability of changing the name of the conference from "Conference of the Rabbis of Germany" to "German Rabbinical Conference." The former name, said he, confines the conference within too narrow bounds, since it excludes all foreigners. There is no German Judaism. Judaism is universal. Thus he knew of a Hungarian and a French rabbi who wished to attend. The majority agreed with him, and it was resolved to call the society "The Conference of German Rabbis."

It was resolved to issue an address to the congregations summarizing the work of the conference. This was referred to the Editorial Commission, which consisted of the President, Stein, Jost, Auerbach and Formstecher.

A commission consisting of Philippson, Stein and Formstecher was appointed to prepare a manual for domestic devotion.

A commission for further consideration of the prayer-book was named, viz.: Stein, Salomon, Geiger, Maier, Herzfeld.

The election of the Executive Committee for the next conference resulted in the choice of Geiger, Philippson, Holdheim and Herxheimer.

Addresses to the Conference.

One of the most striking features of the Frankfort Conference is the evidence that has been preserved of the keen interest it aroused in all portions of Germany. Numerous congregations and societies sent addresses of confidence and sympathy; these addresses came from Bingen, Darmstadt, Alzey, Alsfeld, Mayence, Ekenkoben, Frankenthal, Grünstadt, Musbach in the Palatinate, Breslau, Mannheim, Obermoschel, Schwitzingen, Neustadt in Upper Silesia, Münster, Worms, Giessen, and Frankfort on the Main.

The most significant of these addresses were the memorial from the recently formed Reform Association of Berlin, and

the address signed by 168 Jews of Breslau. These ought not to be dismissed with a mere mention. The Berlin society, in its famous *Aufruf*, had declared for the convening of a synod that was to be the authoritative Jewish body, and was to decide upon moot questions. When the necessity of instituting a public service became plain, the question arose whether steps towards this should be taken before or after calling the synod. The "synodists" held that no prayer-book could be written unless there was a definite declaration of faith whereon it would be based, and hence, the synod must be convened first to formulate this creed; however, the need for a service was so great that steps were taken to institute it at once. Yet the sentiment for the endorsement of an authorized gathering was so strong that it was determined to send a deputation to the rabbinical conference, which, though not of a definite authoritative nature, had something of this character; to enter into relationship with the conference partook of the nature of listening to authoritative voices without sacrificing autonomy. The object of the address to the conference was to pave the way for the synod; the Berlin congregation represented the laity, the conference the rabbinate, the two component parts of the future synod. Dr. S. Stern, the most prominent member of the Berlin congregation, had said in urging the address to the conference: "If we recognize the necessity of the co-operation of both elements for reform in Judaism and desire that both join in the future synod, a preliminary agreement must take place now¹."

It was decided to send a deputation consisting of Stern, Rebenstein, and Simion, who were to read the address to the conference, but this was to be understood to be merely an act of courtesy, and nothing more.

At the first session of the conference this deputation

¹ Proceedings of the Berlin Congregation of June 18, 1845, quoted by Holdheim, *Geschichte der Entstehung und Entwicklung der jüdischen Reformgemeinde in Berlin*, 133.

appeared and presented the memorial from the congregation. This memorial is of importance because it marks the first public activity of the Berlin society since its definite organization two months previously in the month of May. The memorialists set forth the purpose of their society thus: "We have undertaken the great task of breaking through the standstill which has barred the development of Judaism for centuries, and has required of us the unchanged retention of forms which conflicted more and more with our thoughts and sentiments, and with the needs of our advanced life. We have united for the carrying out of the following purpose: to redeem Judaism, our most precious heritage, from all antiquated forms; not only for the benefit of ourselves or of special classes, but of all its confessors, and to preserve its eternal truth in and through a form suited to our age, in order that it may once again permeate our life with the power of its divine essence. We have not failed to recognize the difficulty of this great purpose, but that which forces and necessitates us to awaken ourselves and our co-religionists out of the state of comfortable ease, and to enter upon the severe struggle with indifference on the one hand and millenium-old prejudice on the other, is the consciousness that we should publicly confess that which we have recognized as the true and the right, and that not only for our own sake, but in the name of Judaism we must make possible for it that development which has been denied to it for so long a time. We are encouraged to undertake this difficult task because we are convinced that the old vital force has not died out of, nor been weakened in, Judaism, and that the need we feel is not an isolated phenomenon, but will come to the fore with equal force among thousands of our cultured and advanced coreligionists as soon as the initiative is taken. But we are encouraged most of all by our faith in the progressive consciousness of the age—which urges us on to freedom of thought, and lends the strongest support to all efforts which are directed towards bringing

pristine and pure truth to light even though this has been obscured by dense fogs for thousands of years."

The memorial lays stress upon the necessity for rabbis and laymen to work together in the cause; theirs is a lay movement, it has gone forth from the people; the conference is a rabbinical movement; neither alone is representative, however; people and rabbis must join to form an authoritative body, viz. a synod.

The memorial concludes by expressing the hope that the conference will give expression to its official recognition of the work and purpose of the Reform Association, which aims not at the destruction of Judaism, but its strengthening and preservation.

The conference answered by declaring that its members recognized that the Reform Association owed its existence to the religious need to reconcile modern life with Judaism, and that it was gratifying to know that this conviction of the need of reform in Judaism was felt in the congregations as well as by the rabbis. Gladly would they work hand in hand with the Reform Association if the latter were guided by the same principles as were considered necessary by the conference for true reform in Judaism. They would watch with interest the steps taken by the Reform Association toward the formation of a synod.

The address issued to the conference from Breslau contained a strong presentation of the religious state of many Jews, and of the confusions arising from the conflicts between the demands of life and the observance of the traditional laws; particular attention was called to the need of a reform of the liturgy and to the necessity of a solution of the difficulties connected with Sabbath observance. "The great majority of the Jews, even those who pose as the zealous watchmen of orthodoxy, have really no holidays. The children attend school on the Sabbath, the apprentice must work on this day as on every other at his trade or in business, and when the young man has finally become his own master, he will scarcely be inclined to observe a day

which he has not been accustomed to observe from childhood, even though able to do so ; but how few are there in our time who can observe this day without great danger of ruin ?”

Attention was called also to the need of a reform of the dietary laws. The writers proceeded to say that they had called the attention of the conference to these things because they felt that the leaders of the people should know the state of affairs among the people ; it were cowardice to conceal it, and they hoped that the rabbis would deal courageously with these pressing questions of the time, and find the means of so interpreting Judaism as to enable the Jew to live fully and freely the life in the world without becoming false or untrue to his faith.

The conference answered by saying that it appreciated the service rendered by the writers of the address in stating thus clearly the conflicts between official Judaism and practical life ; but the conference must move slowly, and could not solve all the great questions of the time in a trice. This conference had taken up the liturgy and considered it thoroughly ; future conferences would undoubtedly give earnest attention to the other great questions which the writers touched.

There is apparent in the answers of the conference to the various addresses the same broad spirit and wise counsel as characterized the discussions and deliberations. The men who participated in this conference were imbued thoroughly with the serious responsibility of the Jewish religious leaders in that era of upheaval. With but two or three exceptions they were not drastic in their suggestions and methods, but desirous of reforming gradually. The discussions evince a full knowledge of the past development of Judaism, and a thorough grasp of present conditions. Opinions differed, it is true, as to the length that the reforms should go, but the spirit that ruled the conference was that reform must proceed along the lines of past endeavour ; for every reform that was suggested some warrant was sought

from Talmudic authority. The sensational withdrawal of Zacharias Frankel from the conference after the third day's session was absolutely inexcusable, therefore, even from his standpoint. Frankel's action was the focus of the opposition to this conference, as the protest of the 116 rabbis had been to the Brunswick conference. As stated above, Frankel had criticized the Brunswick conference very sharply and severely, and therefore his appearance at the Frankfort conference was gladly welcomed, for he had been the only rabbi of note with reform leanings who had denounced so unsparingly the first conference. At the very outset he had taken pains to define his position as being that of adherence to positive historical Judaism; this phrase was grasped at eagerly by the opponents of the reformers, as the club wherewith to belabour them, notably later by the Breslau school; but as Stein, the president of the conference, said in his reply to Frankel's opening speech, this phrase defined exactly the reform position; the reformers too built on positive historical Judaism; it was not their purpose to break with the Judaism of the past, but to develop it further. Frankel, however, as it appears, desired to be recognized as the ruling spirit of the conference; and when he found this position denied him, for there were others his equals in learning and prestige, he withdrew, giving as his excuse that the conference should not have voted that it was "advisable" (*rathsam*) to retain the Hebrew in the service, but absolutely essential. This resolution had been passed on the afternoon of July 17, which was the last meeting that Frankel attended; in the issue of the *Oberpostamtszeitung* of July 18, he published a statement explanatory of his withdrawal from the conference¹. At the morning session of July 20 the president called the official attention of the

¹ This was republished in *A. Z. d. J.*, IX (1845), 174-6, and in the *Israelit des 19. Jahrhunderts*, VI (1845), 256; also in the proceedings of the conference, *Protokolle und Aktenstücke d. zweiten R. V.*, 86, Frankfurt am Main, 1845.

conference to this article of Frankel's, and read also an answer¹ which had been written, and which he submitted for the approval of the members. After citing the resolution of the conference, that the retention of the Hebrew was only advisable, and interpreting this action of the conference to mean that it was the duty of the rabbis to abolish it gradually, Frankel goes on to say: "I dissent from such a resolution, not only because of a difference of view, but also because of a difference of tendency. This spirit, which leaves unnoticed so many weighty elements, and supplants that which is of weight and power in every confession, viz. the historical element, makes in my opinion not for the preservation but the destruction of positive historical Judaism, which I had explained clearly to the conference as representing my position. This spirit must invalidate the future resolutions of the conference for all such as stand on the platform of positive historical Judaism, because, as I explained also to the conference, it depends not only on the taking of the vote, but on the motive for voting, and only he who has come to a decision himself, and seeks only a formal endorsement, can find an apparent comfort in a general vote."

For this reason he must not only protest against the resolution in question, but feels it necessary to declare that his standpoint is altogether different from that of the conference; he regrets that the conference, instead of keeping in mind the high aim of securing "universal confidence, and thus bring about a compromise between opposing elements," had again by this act alienated thousands. He had come to the conference with the purpose of reaching an understanding with opposing opinions, and with the hope of making the conference the reconciling influence, and establishing it as the representative Jewish body; but this action of the conference had demonstrated to him the vanity of this hope, and therefore he felt

¹ Published originally in *Frankfurter Journal*; also in *Protokolle*, 90.

compelled to withdraw, no matter though his action be misinterpreted.

The conference answered this declaration by calling attention to the fact that the vote on the resolution in question showed that thirteen held the same views as Frankel, while the majority vote was only fifteen, and three had abstained from voting; hence Frankel stood by no means alone, and if he was sincere in his declaration it was surely his duty to continue in the conference. "The conference resents the implication that by this majority vote it abandoned the standpoint of positive historical Judaism which it had declared with loud acclaim the day before to be its standpoint no less than it was that of Dr. Frankel." The vote on the advisability of the retention of the Hebrew was concerned with the question of opinions, not of tendencies. The positive historical standpoint demands development out of present conditions, not a haphazard creation without definite pre-existing material; and thus our prayers should attach themselves to the existing liturgy, and be developed in form and content wherever possible from that which we have received from the past. The conference can grant as little that prayer in a non-Hebrew language implies a denial of the historical element as Dr. Frankel on his part will admit that the Talmudists attacked positive historical Judaism when they permitted the holiest of our prayers to be uttered in Aramaic—yes, when they allowed the whole service, with the exception of a few passages, to be performed in a non-Hebrew language; Dr. Frankel admitted this when he voted that there was no legal necessity for the employment of Hebrew as the language of prayer. The conference believe, therefore, that Dr. Frankel, by making this issue, which can be construed only as violently tendential, the cause of his breaking with the conference, has abandoned not so much the conference as himself, and the consequences of his own position.

Some members of the conference desired a clause to be

inserted to the effect that Frankel mistook the tendency of the conference, while Geiger held that the only way to meet such arrogance was to pass it by in silence; he begged the conference to avoid all polemical utterances against Frankel, who, being absent, was unable to defend himself.

Frankel answered this reply of the conference in a letter dated Mayence, July 22¹; he reiterated his former statements, but did not succeed in defending his position strongly.

To offset in all likelihood the two addresses of commendation sent to the conference from Breslau, the one by the officials of the congregation², and the other by 168 private individuals, sympathizers with Frankel sent him an address applauding his action; Graetz, later the historian of the Jews, but at that time a rabbinical candidate, was particularly active in the matter³; this demonstration on the part of the orthodox element in Breslau was inspired by opposition to Geiger. The orthodox party of Stettin and Frankfort also memorialized Frankel for his stand in the matter⁴.

L. Schott, rabbi of Randegg, followed the lead of Frankel and withdrew from the conference. Frankel became from now on the recognized leader of the conservatives, whose motto was *saue qui peut*; not principle but accommodation guided this party; the Breslau rabbinical seminary founded in 1855, of which Frankel became the head, supplied the leaders for this party, which succeeded eventually in stifling the reform movement in Germany⁵.

¹ Republished *Israelit des 19. Jahrhunderts*, VI (1845), 320.

² *Protokolle*, 235.

³ *A. Z. d. J.*, IX (1845), 595.

⁴ *A. Z. d. J.*, IX (1845), 624; *Israelit des 19. Jahrhunderts*, VI, 331, 339. See, however, Philippson's explanation of the incident, *A. Z. d. J.*, IX, 519. See also A. Adler, "Beleuchtung der Gegenerklärung des Herrn Oberrabbiners Dr. Z. Frankel," in No. 203 der "Frankfurter Oberpostamtzeitung," *Israelit*, VI (1845), 313, 321.

⁵ The bitterest denunciations and criticisms of the Frankfort conference appeared in the columns of the *Orient*; as an example it suffices to refer to the קנה or Dirge in Hebrew by an anonymous poet wherein the rabbis

The Frankfort conference will always be notable in the annals of Reform Judaism for the remarkable discussions on the liturgy. The intent and purpose of reform were grasped firmly by the leaders assembled there, and the universal elements in Judaism received expression in lofty strains time and again; the members of the conference did not attempt the impossible; they had practical problems to solve, and did so with the needs of their generation constantly in view¹; they were thoroughly awake to the situation, and were justified in hoping that, as the president stated in his closing remarks, "a new era of active participation in our ancestral faith here and elsewhere would date from the second rabbinical conference held at Frankfort²."

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assembled at Frankfort are called "destroyers and ruiners." As a further instance of the intensity of feeling aroused in the opposition by these conferences, the words of the editor of the English publication *The Voice of Jacob*, IV, 219, written after the adjournment of the Frankfort conference, may be cited: "Had but a small section of the 116 rabbis who subscribed the Manifesto or protest (against the Brunswick conference) condescended to assemble, out-reason and out-vote the 23 rabbis whose dicta they had at last occasion so solemnly to repudiate, there might have been less of heresy at this day raging among the people. That Manifesto has no doubt served as a standard round which to rally the faithful, together with those predisposed to condemn the heterodox party; but it may reasonably be doubted whether its dry denunciations have convinced one man of his errors or recovered one stray sheep to the fold. The right is with us; the truth is ours; and we thank God at last to see a growing disposition on the part of our proper leaders to rouse themselves from their lethargy, to buckle on their armour, and to do battle in a holy cause in which victory is assured."

¹ Geiger, "Vorträge über die Verhandlungen der Rabbinerversammlung," *Israelit des 19. Jahrhunderts*, VI, 345-7.

² The effect of this conference in awakening interest in Judaism among the indifferent was felt throughout Germany, *A. Z. d. J.*, X, 25.

BIBLICAL CRITICISM AND THE PULPIT.

I.

Is Biblical Criticism a proper subject for pulpit treatment? This is the question I am asked to answer, and I may say at once that my answer is No. But before proceeding to justify that answer I should like to make two points clear.

In the first place my objection applies to the discussion of the subject on ordinary occasions only. I am far from desiring to lay down a hard-and-fast rule, and declare such discussion taboo always and under all circumstances. I should be the last to affirm that Biblical Criticism is an unclean thing whose intrusion would inevitably defile the sanctuary. There are occasions doubtless when the preacher may properly take it as his theme, inasmuch as some passing event has, for the moment, fixed the attention of his congregation upon it. The pulpit could hardly have been silent two or three years ago, for example, when Prof. Friedrich Delitzsch's famous lectures gave rise to the "Babel und Bibel" controversy, of which the echoes are still clinging to the air. Whether that utterance, which seemed to the calm observer to say little that had not been said many times already, would have attracted such widespread attention if the intervention of "the mailed fist" had not lent the incident an adventitious piquancy, may well be doubted. But that it did attract widespread attention is certain. The newspapers were full of it. The ordinary man breakfasted on it. And the Jewish cleric who made it the topic of his Sabbath discourse was strictly within his rights, for probably it was what his congregation expected and desired him to do. I say "probably," because I am not quite certain. I preached on the incident at the time, but cannot affirm positively that my hearers were interested.

There was certainly no protest, as far as I know, against the introduction of the subject; but, on the other hand, I heard no expression of satisfaction at its introduction. My reason for referring to this point the sequel will show.

Mr. Montefiore has somehow conceived the idea that we Jewish ministers have entered into an informal conspiracy to keep criticism out of the pulpit. He almost charges us with obscurantism in this matter. Thus on page 10 of a published sermon on "Great is Truth, and Strong above all Things," delivered to the Jewish Religious Union last March, he says, "The condition of affairs in our own religious community is not without alarming elements. In official Judaism, the newer truths of science, history, and criticism are almost completely ignored. . . . In the synagogue, a policy of silence and abstention is still pursued. The young are taught, and, so far as I know, our budding ministers are trained, as they might have been trained and taught eighty years ago, before Darwin or Colenso. This is surely serious. The divorce between officialism and truth is becoming greater in each decade, and the results of that divorce are also becoming more serious. Specious arguments are used about not disturbing the innocent faith of uneducated persons, about preserving unity in Judaism . . . about all things under heaven except one. And that one omitted argument or subject is: 'What do we owe to truth?'"

It is a formidable indictment; is it well-founded? Let us have the truth by all means; but about all things and all men—even about the clergy. Mr. Montefiore thinks that "in the synagogue, a policy of silence and abstention is still pursued." I cannot understand how he has come by the notion. In my synagogue, sermons have been preached from time to time in which the critical standpoint has been frankly adopted. Literary criticism, historical criticism, scientific criticism—all have been used in dealing with the Bible. I cannot claim to have delivered many of those discourses; but the fact remains that they have been

delivered. What is done inside the synagogue by "orthodox" ministers, I am unable to say. But, outside it, their attitude is anything but obscurantist. One instance, and that the most convincing, seeing that it is furnished by the head of the Anglo-Jewish hierarchy, will suffice to establish my point. Challenged to disavow the Hampstead "Symposium" on Biblical Criticism, the Chief Rabbi spoke, in reply, to the following effect at the last distribution of prizes to the students of Jews' College :—" We do not live in a monastery from which the literature of the world is shut out, and placed on an *index librorum prohibitorum*. . . . It is the main object of the studies which the pupils of this institution receive here to give them the intellectual and spiritual equipment that should steel them against every doubt, and fortify them with strong and convincing arguments. We do not desire to send out into the world a band of conceited obscurantists out of touch with modern thought and out of sympathy with modern needs. The so-called Higher Criticism must of necessity form a branch of the studies within the walls of this College¹."

This is a notable utterance, and it effectually disposes of the charge preferred by Mr. Montefiore against the representatives of "official Judaism" in this country.

Secondly, I would say that my answer to the question with which I started is in no wise influenced by my personal views as to the truth or the falsehood of the Critical position. What I am concerned with is the *expediency*, under ordinary circumstances, of introducing the subject into the Sabbath sermon. My opinions about the Higher Criticism are pretty well known. At least I should like to think so, for I have expressed them in my last published book. "There can be no question," I there say, "that, like every new idea, the Critical Theory has been carried to undue lengths, and we shall do well to be on our guard against many of its developments. But the soundness of the Theory itself is unaffected by the improper

¹ *Jewish Chronicle* for May 19, 1905.

uses to which it has sometimes been put. . . . No one can read the Pentateuch without perceiving that its sacred fabric is woven out of many and diverse threads. Even those who are unable to discern two independent accounts of the Creation in the first and second chapters of Genesis respectively, cannot possibly fail to see that there are two distinct versions of the Ten Commandments in the Pentateuch, one in the twentieth chapter of Exodus, the other in the fifth chapter of Deuteronomy¹."

With the fundamental thesis of Criticism on its literary side I am thus seen to be in agreement. That I adopt its standpoint on historical and scientific questions is no less evident. "We must be prepared," I say, "to meet in the Bible with partial and even diverse representations of religious truth and with allegories and legends. The Bible is not a book about science or any other branch of profane knowledge. In regard to scientific matters it reflects only the knowledge of the age in which each writer lived²."

I call attention to these statements not because of their novelty, for they have been anticipated, as I have been at the pains to show, by the utterances of eminent Jewish teachers of past ages, but in order to make my position clear on the question immediately before us. I am on the side of the critics in their general conclusions. But, in spite of this, I am with those who deprecate the discussion, as a general rule, of critical topics in the pulpit. It is now time to give my reasons.

1. The ordinary Sabbath congregant does not want such subjects discussed, even from the conservative standpoint. Indeed, he does not much care for controversy of any kind. He goes to synagogue to pray—to pray, that is to say, in the larger sense of the expression, which includes meditation. He wants to commune with his own heart and be still. He wants—though he may not formulate the need so

¹ *Judaism as Creed and Life*, pp. 25, 27.

² *Op. cit.*, pp. 20, 23.

clearly—to gain a firmer grip on the real meaning and significance of life, to get the true perspective, so that the worries and disappointments which have loomed so large during the week may fall back into their proper place in his thoughts. This is no mere guess-work of mine, but sober truth. It represents what many a congregant has told me about his personal needs. “I go to synagogue on Sabbath to reflect”—that is the phrase. What it means is clear enough. It implies a temper which has little tolerance for discussions, and none for Criticism. Here are people who long to be quiet, whose one desire is to be let alone; will the debate of burning questions satisfy that desire? They would be shown how to live their lives; they would be heartened for the great fight; what help will they get from learned disquisitions about JE and P? This is what they feel. The Biblical critic deems them foolish and guilty of bad taste. Fancy their not wanting to hear about JE and P, or about Gunkel’s latest theory! This will never do; they must be enlightened. But why? First of all, we are told, for the sake of truth itself, which is a sacred thing, and which it is our duty to communicate irrespective of consequences; and, secondly, for the sake of the greater vitality which the personal Judaism of many a man will gain from the dissemination of truth. But, assuming—it is a very large assumption—that all the conclusions of Criticism are true, is the duty of declaring the truth absolute? Are there not circumstances which dispense us from the obligation? Some stern moralists think so. Mr. Bradley, for example. “There are duties,” he says, “above truth-speaking, and many offences against morality which are worse, though they may be less painful, than a lie. Homicide may be excusable, rebellion in the subject and disobedience in the soldier all morally justifiable, and every one of them clear breaches of categorical imperatives, in obedience to a higher law. All that it comes to is this (and it is, we must remember, a very important truth), that you must never break a law of duty to please yourself,

never for the sake of an end not duty, but only for the sake of a superior and overruling duty¹."

Conceding that suppression of the truth is to be placed in the same category as lying, I ask, Does not the case before us come within the rule thus laid down—a rule which the critic himself respects every day in the reticence he observes when imparting knowledge to his children, or in his concealment of her danger from a stricken wife or daughter? The ordinary Sabbath worshipper, with his simple yet imperious needs, with his touching plea for repose, deserves to have his wants respected. His peace of mind, his happiness, are important enough to justify our withholding the truth from him, even if we are sure that we have got it beyond the slightest chance of mistake. And the critic can scarcely be said to have that certitude.

But we are told that truth assuredly benefits its possessor. The people perish, we are warned, for lack of knowledge. "The longer the ministers of a religion are not allowed to officially speak about the newer conquests of truth, the greater will be the number of those who will become alienated from or indifferent to the religion of their fathers, the larger the number of those who will think Judaism a mere religious curiosity and anachronism, incapable of change or transformation²." But however true this may be generally, it has no application to the particular case under discussion. We are thinking exclusively of the ordinary Sabbath worshipper, and he surely is in no danger of becoming "alienated" or "indifferent." His attachment to the ancestral religion is unquestionably strong, seeing that he is a synagogue-goer, and a Sabbath observer to boot. No; he does not need the help of the critics, and therefore ought not to have it thrust upon him. Others may possibly have recourse to it with advantage—those actually estranged from the synagogue, the "intellectuals" as they take pride in considering themselves, the emanci-

¹ *Ethical Studies*, p. 142.

² Sermon on *Great is Truth*, p. 11.

pated ; but for them there are the reviews, and the Jewish Religious Union, and Hampstead "Symposia." They can drink of the Pierian spring to their hearts' content. Not one word would I say to deter them. Why should I, seeing that I have drunk at the same source? Let the inquirers be free to inquire. But let my little band of Sabbath worshippers have their freedom too—freedom from discussions that would disturb their Sabbath peace. They may be called fossils, anachronisms, "moth-eaten angels" as Philipps Brooks is said to have styled some ultra-orthodox old ladies of his congregation. No matter. They are on the safe side. They have faith, hope, religion ; can Criticism give them more? For none save the most fanatical critic will contend that Criticism is an end in itself, that Scriptural vivisection is the whole duty of man. Its sole justification is that it may haply help to bless human lives.

2. The Sabbath worshipper is not interested in Biblical Criticism. I go a great deal among my flock, and I can hardly recall an occasion when the subject has formed the topic of conversation. Immortality, Sabbath observance, the Synagogue Service, Jewish separatism, Zionism—yes. These questions do exercise the average mind ; Criticism does not. I am sorry to have to say this, for I know it will wound the *amour propre* of the critics. But "great is truth and it shall prevail," as the critics themselves take care to impress upon us. Of Criticism it may be said that it pleases those who like such things. For other people it possesses no attractions. Some of them know nothing, and want to know nothing, about it. For others, more thoughtful, it has no actuality. They see clearly enough that the authority of the Bible is purely intrinsic, resting upon its appeal to the conscience and the heart. Its science may be primitive ; its books may be compilations ; some of its history may be legend. But its truth remains unaffected, for its teachings about God and Duty remain unaffected. Suppose there were twenty Isaiahs, is the sublimity of the Prophecies diminished by the smallest

fraction? This is what people think, and this is why Criticism is for them an idle beating of the air. Shall we preachers refuse to recognize the fact? The Pulpit is voted dull even now; why lend greater colour to the charge by discoursing on a question that no one cares two pins about? It is possible for a preacher to be too new as well as too old; he may be too much ahead of his hearers, as well as too much behind them, or above them. In either case he is uninteresting. And this obviously holds good whichever attitude he takes up towards Criticism. If he attacks its conclusions he is wrong, because he is gratuitously disrespectful to an important movement of thought. If he champions them he is also wrong, for he forces unpalatable doctrine down the throats of his hearers. In the one case he plays at ninepins; in the other he uses his congregation as a *corpus vile* to experiment upon.

Let Mr. Montefiore and his school be content. They have the lecture-room and the Press at their command; why sigh for the pulpit, or desire to win over the handful of more or less earnest souls that sit under it? What ordinary congregations need even in these days is not critical but constructive preaching. They do not want the last thing in philosophy or science. They do not want intellectual subtleties, or a cinematograph of the preacher's own doubts and mental balancings of *pros* and *cons*. What they do want is a plain, simple message which, because it comes from the heart, goes straight to the heart. It is possible that, later on, the average man will be more interested in critical problems than he is at present. The day may come when they will read the Law in the synagogue, not from the old-world parchment scroll, but from a "rainbow Bible"! But that day is a long way off. Until it does come, let us leave the Sabbath worshipper in peace, nor even

"With shadow'd hint confuse
A life that leads melodious days."

MORRIS JOSEPH.

POSTSCRIPT.

Since the above was written I have been permitted to read Mr. Montefiore's article, and have only to add the following observations:—

That the "results," as distinct from the "processes" of Criticism may properly tincture a sermon I freely admit. But Mr. Montefiore evidently wants more than this. The Judaism which is fashioned by Criticism must be shown, he says, to be "truer and better than the old." But how is this to be done except by a formal exposition of the new Judaism and an explanation and a justification of the processes by which it has been evolved? This is something more than a mere utilization of results. It is highly controversial and disturbing. And it is just this to which the ordinary Sabbath worshipper strongly objects.

And is the justification of the new Judaism as vital a necessity as Mr. Montefiore believes? Criticism is *ex hypothesi* a judgment of the Bible. But latter-day doubt—Jewish doubt at any rate—is not chiefly centred in the Bible. It is mainly concerned with problems far larger and more fundamental than those raised by Criticism, problems that Criticism does not profess to touch. In my humble judgment Maimonides' Thirteen Articles are not the stumbling-block Mr. Montefiore imagines them to be. Doubtless there are many Jews nowadays who find it hard to accept them all in their literal significance. But of these only a minority, I think, need to be shown how they may keep their theological standpoint and still remain believing Jews. To afford them that enlightenment is unquestionably to do a great service both to them and to Judaism. But Mr. Montefiore's *Liberal Judaism* has accomplished the task in the case of the more advanced minds among them. The pulpit, for the reasons I have given above, is not, I submit, the place for attempting it. But those who need help and enlightenment, as I have said,

are the minority. Of those who cannot conscientiously accept Maimonides' Creed as it stands, the greater number have already made the necessary mental adjustment for themselves. "If," they say, "Moses did not write every word of the Pentateuch, his spirit at least informs it"; and so they can see the scroll elevated in the synagogue, and hear the words recited, "This is the Law which Moses set before the children of Israel," without the slightest discomfort. And so with the other articles of the Creed. The dogma of the Immutability of the Law becomes for such persons the imperishability of the great religious and ethical principles of Mosaism, principles like the Divine Unity and Spirituality, on the one hand, and the Brotherhood of Man, on the other, which Criticism cannot shake because they are confessedly beyond its reach. In some such way people have come to regard Maimonides' scheme of belief. They deal with it themselves, each man in accordance with his intellectual and spiritual temperament and with the measure of his capacity. Some with a feeling for historical perspective take yet another line. They will argue that Maimonides, in putting forth his Thirteen Articles, spoke for himself only, and not for the Jewish Church, and that other teachers of equal authority formulated other schemes at variance with it and with each other. And so they will say that, since clearly none of these schemes is authoritative, it is possible to have a religion which does not absolutely coincide with any one of them and yet legitimately to call it Judaism. But, whichever class of thinkers we have in view, the point is that each man makes the needful reconciliation between the old and the new for himself. In the majority of cases outside help is superfluous. Criticism, whatever its implications, has less actuality for the average mind than the critics believe. Our young people have ceased to wonder—if they have ever wondered at all—whether Abraham is an historic character, or only the personification of a great ethnical movement, or how two variants of the Ten Commandments could have

been simultaneously delivered at Sinai, or whether David wrote the Psalms, or Isaiah his fortieth chapter. They are exercised about other and far deeper things—about the necessity of any Judaism whatsoever, about the sanctions of Duty, about the existence of God. Criticism cannot give them any assurance on these questions. You may modify your definition of Judaism, your notion of Duty, your conception of Deity, as the consequence of your critical attitude; but in the last resort you have to justify them to the intellect and the conscience exactly as the orthodox teacher has to justify his doctrine. And it is this justification, and the appeal to the heart which is its inevitable sequel, that constitute the essential part of the preacher's business, and upon the success of which the moral and religious life of his hearers largely depends.

In short, what is at stake is not Judaism, but Religion. Every Jew makes his own Judaism, with or without Criticism. What the preacher has to do is to help him to build up a stable religious life.

M. J.

II.

SHOULD BIBLICAL CRITICISM BE SPOKEN
OF IN JEWISH PULPITS?

THE question whether the investigations and results of Biblical criticism should be referred to in Jewish pulpits is not so simple or so easily answered as at first thinking it might appear. A comprehensive Yes, at least, is less possible than a comprehensive No.

First of all, it is fairly obvious that the question is likely to be answered differently by those who believe that the main results of criticism are false, by those who believe that they are true, and by those who honestly have not made up their minds.

For instance, take the case of a minister in an orthodox synagogue who believes that the results of criticism are wholly false. He fears that some of his flock may be led astray by the false, but specious arguments of the critics. Why should he not now and again allude to those arguments, and, so far as this may seem possible to him within the limits of a sermon, convincingly refute them? The creed which he recites and in which he believes declares that all Leviticus, no less than nearly all Deuteronomy, was written down by Moses. Why should he not attempt to show doubting men and women that this cardinal dogma of orthodox Judaism—the dogma by which it must stand or fall—is wholly and completely true?

The case of the minister who believes that the main results of criticism are true is far more difficult. It is the only one with which I need concern myself; the only one perhaps about which I have a right to say a word.

The "case" is difficult mainly because one has to distinguish and divide. There is only one criticism with which

we have to deal, and its main results are well known. But there are many Judaisms, and the question is different, or must be answered differently, in each of them. Broadly speaking, there are three Judaisms—at least for our present purpose. On the extreme right there is genuine orthodox Judaism, which, I take it, does not demand less from its followers, as regards faith, than a sincere belief in the Thirteen Articles of Maimonides. It is not easy, I admit, at the present time to get official representatives of orthodox and traditional Judaism to speak up and out, and when they do so they are often called rude or bigoted or other unfavourable names; it is not easy to get them to tell us quite simply and fully what the faith of traditional and orthodox Judaism (apart from its practice) includes and involves: I may therefore be mistaken; and if I am mistaken, my whole subsequent argument is vitiated. But till I am better informed I must assume that orthodox Judaism accepts and proclaims the dogmas of the Thirteen Articles in a natural and not in a sublimated and explained away sort of sense. This, then, is one Judaism, and at the opposite end of the scale, on the extreme left, there stands the thorough-going Reform Judaism of America. Between these two Judaisms there are doubtless several others. For simplicity's sake I will, however, class them together, and call them In-between Judaism, as if they were not many but one.

Now, as I have not myself yet been in America, and only know of the conditions obtaining there from reading and conversation, I am very liable to make mistakes. But I believe that there are a large number of "Reformed" synagogues in America where the results of criticism are as much assumed and as generally accepted as they are among Unitarian churches in England. In these congregations you cannot give "offence" to anybody by asserting that Moses did not write the Pentateuch, because nobody believes that he did. The literal accuracy of the statements made in Exodus xix is not

part of the general belief. To speak of the legends of the books of Genesis or Exodus excites no surprise or perplexity. A Judaism has been fashioned or developed which accepts these "results" of criticism, and does not fight shy of them. The children are, I believe, taught in the religious classes on critical lines, such "lines," for example, as I have roughly indicated myself in the "Bible for Home Reading."

Now to the ministers of such a Judaism the question whether Biblical criticism and its results should be referred to in the pulpits is tolerably meaningless. It is at any rate uninteresting. A man may reasonably enough say: "Critical discussions are unsuited to the pulpit. Sermons must be edifying. They must not be essays. They must speak of goodness and sin, of the higher life and the future life, of duty and desire, of ideals and aspirations; not whether the laws of Leviticus were written down in the seventh or the fifth century B.C., or whether there were two Isaiahs or twenty." And so on. But the "Reform" minister would say this, as the Unitarian minister in England may say it, because his religion is independent of criticism, or because, from another point of view, it squares with and includes it. His sermons may not *discuss* "results" of criticism, but they will *assume* them. Between him and his congregation there is agreement and understanding: their religion as well as his is independent of Biblical criticism and of the miraculous. Why, then, needs the preacher to dwell *persistently* upon these subjects? They are rather literary, philosophical, archaeological, or historical, than religious. There is nothing spiritual or uplifting in the statement: Moses did not write the Pentateuch. The preacher will not ignore "criticism" if it fits in with the subject of his discourse, but he will not harp upon it. Like his Unitarian colleague, he is perfectly comfortable and free.

So much for the Reformed synagogues of the extreme left. And now for the Orthodox synagogues of the extreme

right. It seems to me that in these synagogues criticism can only be referred to by those ministers who honestly disbelieve in it. Their case was alluded to at the outset. A compromise between orthodox Judaism and the results of criticism seems to me impossible. In theory and embodiment, in faith and practice, orthodox Judaism is the negation of criticism; if the results of criticism are true, orthodox Judaism (as a whole) is false, and vice versa. To deny these propositions seems to involve an ignorance or misapprehension of either criticism or orthodox Judaism or both.

We might devise the following antithesis: In "reformed" synagogues it is unnecessary to discuss approvingly the results of criticism; in orthodox synagogues it is impossible. I do not think there is much exaggeration in either branch of this antithesis.

Thus for a whole quantity of synagogues the question is disposed of. It is disposed of for all synagogues in England (except, at most, three) and for a heap of synagogues in America. Before thinking the matter out it seemed to me interesting and important. But I am bound to confess that it now seems to me hardly one or the other, for in so very many instances (either for one reason or the other) it is quite devoid of actuality. It is not a question of practical politics.

There are, however, to be considered the synagogues of In-between Judaism. These are synagogues which do not accept the creed of Maimonides, but which are neither clearly "reform" nor clearly "orthodox." For these synagogues, which may possibly come down on either side of the fence, which may develop, that is into either orthodoxy or reform, the question has more importance and actuality. There are, I fancy, a few synagogues of this kind in Germany, and there are some, I fancy, in America. There are very few elsewhere—not more than three, for instance, in all England, and none that I am aware of in France. In the large majority of German synagogues,

whether they have an organ or no organ, and much German, little German, or no German in the liturgy, the orthodox beliefs of Judaism are, I fancy, assumed. In them no preacher may say that Moses did not write the Pentateuch, or that the narratives in Exodus are legendary. Whatever the beliefs of the laymen may be who pay for the *upkeep* of the synagogues, the *teaching* in them has to be orthodox as regards the Pentateuch. There is, indeed, a minority. I have before me a small but excellent collection of sermons by Dr. Coblenz, rabbi in Bielefeld (1904). In a sermon preached in 1896 at the festival of Passover, the results of criticism as touching the Pentateuch are freely assumed, and the miracles are freely surrendered. Dr. Coblenz urges that the value of the Bible is thereby increased. The sermon is so unusual in a Jewish pulpit that I will interrupt the thread of my own argument to quote a few salient passages.

“Wollen wir die Bibel recht verstehen und würdigen, dann müssen wir sie in ihrem Entwicklungsgange, in ihrer Entstehungsgeschichte zu erfassen versuchen. Gerade der Pentateuch bekundet uns so recht bezeichnend den Werdegang der biblischen Bücher. Denn er ist nicht das Werk eines Einzelnen, nicht im Laufe weniger Jahre entstanden, sondern er ist der Niederschlag der Entwicklung, die die israelitische Gemeinschaft im Laufe vieler Jahrhunderte durchgemacht hat; er ist das Geschichtsbuch Israels; aus ihm spricht die Stimme des *ganzen* Volkes. Nicht Mose hat die Thora verfasst, nicht *seinem* Geiste sind die darin niedergelegten Gesetze entsprungen, nicht *seine* Hand hat ihren Wortlaut aufgezeichnet, sondern erst viele, viele Jahrhunderte nach seinem Tode haben Männer des jüdisch-israelitischen Volkes sie niedergeschrieben und dadurch verewigt, was im Volke gelebt, was von Geschlecht zu Geschlecht sich fortgeerbt als heilige mündliche Überlieferung, oder was sich im Laufe der Zeit aus dem Volke heraus entwickelt hat. Wie einfach und ungezwungen erklären sich bei dieser Auffassung all die wunderbaren und aussergewöhnlichen Begebenheiten, von denen die Thora uns berichtet! Sie sind dann nichts weiter als der poetische Glanz, mit welchem die dichtende Volksseele die Geschichte der Urzeit verklärt; sie sind liebliche Sagen, mit denen die rege, nie rastende Phantasie des Volkes das Wirken seiner grossen Männer geschmückt hat.

“Doch mancher mag hier zweifelnd fragen: sollte wirklich diese Auffassung des biblischen Wortes geeignet sein, die heilige Schrift uns lieb und wert zu machen? Wird nicht im Gegentheil der Glorienschein dadurch zerstört, mit dem das Buch der Bücher stets umgeben war? Ich halte diese Befürchtung nicht für berechtigt. Mir will vielmehr scheinen, als ob gerade durch eine derartige Auffassung der biblischen Wunder unsere Thora nur gewinnen könnte. Denn der Sagenkreis der heiligen Schrift ist ein schönes Zeugnis für die poetische Gestaltungskraft unserer Väter. Wir dürfen uns als Juden dieses Sagenkranzes ebenso freuen, wie wir uns als Deutsche der lieblichen Sage vom Kyffhäuser und anderer Sagen freuen, in denen deutsche Dankbarkeit und deutsche Treue sinnigen Ausdruck finden.

“Und nun nehmet diesen poetischen Schmuck hinweg, befreit den biblischen Stoff von den zahlreichen Wundern, die wir erst jetzt recht zu würdigen verstehen, und welch' reicher Schatz grosser Gedanken bleibt uns dann noch übrig! Welche Fülle herrlicher Gesetze und unvergleichlicher Lehren, die das Buch der Bücher uns bietet, und die vorbildlich bleiben werden für alle Zeiten und Geschlechter! Auf diesen Gesetzen vor allem beruht der sittliche Wert der Bibel, und dieser Wert wird noch wesentlich erhöht durch das Bewusstsein, dass die Gesetze nicht von Mose herrühren, sondern aus dem Volke heraus sich entwickelt haben und im Laufe der Jahrhunderte allmählich entstanden sind.

“Wie ganz anders klingt es doch, wenn wir sagen können: Israel selbst hat diese Lehren geschaffen und nachher im Buche der Bücher festgelegt! Nicht Mose, sondern der jüdische Volksgeist hat den Gotteseinheitsgedanken geprägt und jenes grosse Wort gesprochen: ‘Liebe deinen Nächsten wie dich selbst; liebe den Fremdling wie dich selbst.’ Was wir in unserer Thora lesen, das ist das lebendig gewordene israelitische Volksbewusstsein, das ist der Niederschlag dessen, was im Volke Jahrhunderte lang geübt wurde, und woran jeder Einzelne mitgearbeitet hat. *Mag Israel dabei immerhin von den Kulturen anderer Völker beeinflusst worden sein — kein Denker wird das bestreiten — das eigentümliche Gepräge unserer Lehre, der reine sittliche Monotheismus des Judentums ist unser eigenstes Werk!* Auf welch' hoher sittlicher Stufe muss doch ein Volk gestanden haben, das solche Anschauungen aus sich selbst heraus entwickeln konnte in einer Zeit, in welcher die Nationen noch in Heidenthum und Götzendienst versunken waren und Hartherzigkeit und Lieblosigkeit gegen Fremde lehrten und übten. Ja, mit freudigem Herzen und mit stolzem Selbstgefühl bekennen wir: die Gesetze der Bibel sind unsere Gesetze, sind Fleisch von unserem Fleisch und Bein von

unserem Bein; und all die bedeutsamen Lehren, welche durch die Tochterreligion sich die Welt erobert haben, sind dem israelitischen Geiste entsprossen, die israelitische Volksseele hat sie geschaffen."

Personally I think that Dr. Coblenz's arguments slur over the implications of criticism a little cavalierly. But their interest and value can hardly be denied. And it is pleasant to think that though they were spoken in 1896, and have doubtless been often repeated since, Dr. Coblenz is still rabbi in Bielefeld. In his synagogue, and possibly in some others, the question whether the results of Biblical criticism shall be alluded to in sermons has actuality. And for synagogues which are so situated, and for ministers who may speak their minds, the following few suggestions may be offered.

Though it may be freely allowed that the subject matter of criticism is neither ethical nor spiritual, it is nevertheless the fact that criticism has religious implications. Judaism is greatly affected according as the "results" of criticism are assumed to be false or assumed to be true. It is a very different religion one way or the other. Obligations of belief and practice are imposed upon us if we accept the Thirteen Articles, from which, if we reject some of them, we are free. One's whole conception of God and of his relation to man, one's whole conception of the growth and development of religion, and of the destiny of Judaism, are profoundly modified according as one accepts or rejects the results of criticism *and the implications* of those results. How can one put all this aside if one believes in it? It would be only a maimed and imperfect, and therefore an inaccurate and misleading view of religion and of God which one could put before one's congregants if, believing in the results and implications of criticism, one must keep silence about them in the pulpit. For it is not the *process* but the *results* about which one wants to talk. It is not a question of scientific discussion of dates and authorships, of philosophic and historic arguments for and against miracles. For elaborate scientific discussions the pulpit is,

indeed, unfitted. But to avoid all subjects in which the results and implications of criticism come in is a very different thing. That would mean that the preacher could not fully set forth his mind upon matters of urgency and moment. He must often halt and pull up short. By suppression of the whole truth he will give impression of untruth. As, for instance, when he talks of Abraham it will appear as if he thought him as much an historical character as the Duke of Wellington, and the events recorded of him as historic as the battles of the Peninsula War. Two things must be shown, and both require freedom. First it must be shown what the implications of criticism are; how widely a Judaism which accepts differs from a Judaism which denies them. It must be shown that this newer Judaism is truer, better, larger, freer than the old; how it is less hampered by difficulties, not compelled to defend the indefensible, to justify the imperfect, to call black white, and inconsistencies consistent. And, on the other hand, it must be shown that this newer Judaism is Judaism still, that it deserves the name, and that it intends to keep it. If the pulpit is not the spot in which all this must be shown, I do not know what place is.

It may be argued that while you must not in the pulpit say anything you do not believe, you need not say all you do believe. In the In-between synagogues, which are the only ones where the subject can or need be discussed, there will presumably be a mixed audience. Some of the congregants will like and agree with what you say; others will not. Some will belong to the left; others, and perhaps the most regular worshippers, will belong to the right. The former you will satisfy; the latter you will offend, hurt, agitate, shock, and annoy. What is the good of this? Why not speak that which pleases *all* parties? Why needlessly cause strife and dissension? It is an old argument. It has its force. But it has its dangers. It is not always well to prophesy smooth things; not always well to cry, "Peace, peace." It may be bad to shock a few

conservative minds. And the tender consciences of all, whether young or old, male or female, must be respected. But it may be of still greater moment to strengthen the weak, to confirm the doubting. It may be of still greater importance to give men and women sometimes the strong meat by which they can live. If there are some who for lack of this leave the synagogue and drift away from Judaism, may not the fault, in some cases, be within the synagogue and not wholly in themselves? It cannot be said that the issues of criticism are of small importance. They can only be ignored with peril. Some misunderstand them. Reform Judaism has many enemies. The orthodox on the one hand, many outsiders upon the other, deny its cohesive power, its right to be called "Judaism," its religious efficiency. A brief allusion, a casual and unreasoned optimism, will not suffice to refute their arguments. Criticism does not deal so tenderly with Judaism, nor is it so esoteric and obscure a subject that it is easy to live and teach as if it did not exist. A small patch upon the old bulwarks will not serve our turn. Of such inadequate defenders shall it not be said when the wall is fallen, "Where is the daubing wherewith ye have daubed it?"

Preachers have to remember that the minds of their congregants must be dealt with as well as their hearts. Even for the sake of variety it is good to preach occasionally sermons which speak to the intellect rather than to the emotions. At the present time the questions raised by criticism are in the air. They are alluded to in magazine articles; they are discussed in conversation. The intellectual conscience, especially of the younger men and women, is being stirred. They are no longer willing or able to accept without question the creeds which satisfied their parents. Moral, critical, and even metaphysical puzzles confront them. They ask for a reasonable faith; it is for the preacher to point out to them how they may obtain it. They will not go to him in his private study until he has spoken to them from the pulpit. How is the old

religion to be fitted to the new requirements? Can we still be Jews by creed as well as by race? Such are the far-reaching problems which assail many a young man and woman, and many an adult. Among these problems those of Biblical criticism take a prominent place. It is for the preacher who is also a teacher to help such persons to attain a Judaism which shall reconcile the old with the new.

Thus in the "In-between" synagogues, if the preacher believes in the results of criticism and may freely speak his mind, the arguments for speech seem to me far more cogent than the arguments for silence. Nor need speech imply crude, violent, and offensive utterances. There need be no evasion. The preacher's whole mind may be expressed upon the most important and far-reaching problems. And yet here too the adage *fortiter in re, suaviter in modo* may be fitly and constantly applied.

C. G. MONTEFIORE.

POSTSCRIPT.

When Mr. Joseph and I planned the friendly debate contained in the two preceding articles, we thought it might be interesting if each read the arguments of the other, and then commented on them in a postscript. Mr. Joseph has given *his* postscript: here follows mine.

I cannot reply in detail to Mr. Joseph's article, otherwise I fear my postscript would be longer than my article. It will be seen that we are not really quite so far apart as it might have seemed, even though the one answers the question we both discuss in the negative, the other in the affirmative. No other Jewish minister in London could have ventured to write upon the subject of criticism as openly and frankly as Mr. Joseph has done; no other

could have gone so far in concessions to the critical point of view, or in meeting the results of criticism halfway. It is indeed something to belong to an "In-between" synagogue!

Mr. Joseph uses several very different arguments to support his main thesis that biblical criticism should not be discussed in the pulpit. First, we have the usual argument that one must not give offence, that one must not suggest doubts in pious minds where no doubts exist. The article closes with a familiar line from Tennyson which has its value. I have alluded to the relative justification of the argument in my own article, and need not further refer to it here.

Next comes the contention that people come to synagogue "to think," and this "thinking" apparently means that they "long to be quiet, to be let alone." Hence their repose must not be disturbed by anything which would upset their peaceful calm. "Burning questions" must not be alluded to in the pulpit. I fully admit that they need not be constantly discussed there. I fully admit that many sermons must be purely ethical; others must be concerned with those great and simple religious subjects which lie beyond "criticism." But if the minister be really free to speak (and Mr. Joseph asserts that he at least is), then a burning question which touches the supposed basis of Judaism, as Judaism has been conceived for two thousand years, should not, I think, be always and consistently avoided. People come to synagogue to think, it is said; well, let them have something to think about. It is true that during many sermons they *can* be (intellectually) "quiet"; they *are* "let alone." But is this *always* desirable? And is "to think" the same as "to be quiet" and "to be let alone"?

The third argument put forward by Mr. Joseph is of a totally different kind. In the second argument he had objected to discussions about criticism and its implications, because the pulpit must steer clear of "controversy" and

"burning questions." In the third argument he tells us that these subjects must be avoided because for most persons they have no interest. Criticism is a subject "which no one cares two pins about." So far from it being a "burning question," it is an extremely dull one. Mr. Joseph says he has found that this is so from personal experience. Why this statement should wound the *amour propre* of the critics I cannot conceive. I receive it with the utmost respect. It does not quite tally with my own experience, but then there may be special reasons for this difference. It is, I fully admit, a most important argument, and one to be most earnestly taken into account.

But now comes the most surprising thing of all. I might even call it the fourth argument, though it is perhaps more accurately described as a variety and explanation of the third. Why is criticism, with its results and its implications, uninteresting to so many persons? For two reasons. Some persons are frankly bored by it. "They know nothing, and want to know nothing about it." For them it is neither burning nor obvious. It is simply non-existent. These persons, then, are to be carefully suffered to continue in their ignorance. Their holy calm must not be disturbed. I am fain to confess that I should be inclined to be less tender to these uninterested ignoramuses. But we will pass them by, for the second reason is so far more interesting and important. Criticism to many persons has "no actuality." In other words, they are above it. They are, in fact, in the same position as the persons in the reform synagogues of America, or in the Unitarian churches at home, to whom I have already alluded. These persons "see clearly enough that the authority of the Bible is purely intrinsic, resting upon its appeal to the conscience and the heart. Its science may be primitive; its books may be compilations; some of its history may be legend. But its truth remains unaffected, for its teachings about God and Duty remain unaffected." [I suppose Mr. Joseph means *some of*, or *its*

highest, "teachings about God and Duty remain unaffected," for there are a great variety and diversity of "teachings" in the "Bible," and if we judge them by *intrinsic* authority only, we shall choose only the good, and reject the bad and the inferior.] Again, in the post-script Mr. Joseph assures us that even the young in these latter days are far beyond critical difficulties. *Their* doubts touch fundamentals "about the necessity of any Judaism whatsoever, about the sanctions of Duty, about the existence of God." We poor critics are very behindhand if we think that anybody cares about our problems or their results.

I cannot help feeling a little doubtful about these assertions. I feel astonished when I am told that so many persons have reached the critical result that "the authority of the Bible is purely intrinsic." In other words, the sanction of the Ten Commandments rests solely upon their religious excellence and their ethical merit. It does not rest upon the "legend" that they were spoken amid thunder and lightning by the very voice of God himself. I had fancied that the "sanction of duty" *was* dimmed when we are no longer able to believe that the *content* of duty is given us by an infallible guide—given to us, and recorded for us and for all time, in a religiously and ethically perfect code. I should have thought that if the "sanction of duty" be a question which "exercises" the minds of young Jews or Jewesses, this is just because they can no longer believe the simple faith of their parents about the Pentateuch and the Bible. And I should have thought that, if this be so, they cannot yet "clearly" see that the Bible *still has* an authority, though "intrinsic," and not extrinsic. Does not their very doubt about "the sanctions of Duty and the existence of God" show that they do *not* clearly realize this "intrinsic" authority, which *though* intrinsic and not extrinsic, has still its powerful word to say *for* the sanction of duty and *for* the existence of God?

Finally, Mr. Joseph seems to me to use rather too easy examples of criticism. And I too, I think, am to blame in that I use criticism in somewhat too extended a sense. I have, indeed, tried to indicate my meaning by speaking repeatedly of the *implications* of criticism. The "higher criticism" has primarily only to do with dates and authorities. It has nothing in itself to do with questions of fact and miracle. For instance, criticism might show that chapters xix and xx of the Book of Exodus constitute a compilation, written down five or six hundred years after the events they profess to describe. But it would not follow that the miracles they record did not happen; they might be wholly accurate from beginning to end. Nevertheless criticism of dates and authorships stands in close relation to the historical criticism of facts and stories. If Exodus xix and xx were written down by Moses, they are perhaps quite accurate transcripts of actual events; if they were written five or six hundred years after his time, they are almost certainly not. Hence the need to deal with the *implications* of criticism rather than with criticism itself.

Now what are the examples of critical results mentioned by Mr. Joseph? We hear of the two versions of the Ten Commandments, of the two independent accounts of the creation in Genesis, of the question whether "David wrote the Psalms, or Isaiah his fortieth chapter." I fully allow that we have advanced beyond these trifles, and that they do not greatly matter or concern us. But I do not think that the same can be said of the questions whether Moses wrote the Pentateuch, whether God gave to Israel for all time through Moses a perfect, homogeneous, and immutable law. We have also to remember that among the difficulties connected with the Bible are many moral questions of puzzling perplexity. If the authority of the Bible is "purely intrinsic," what are we to say about such laws, e.g. as Exod. xxi. 21, xxii. 18, or Deut. xx. 13-16? What sort of "appeal" do *they* make to the "conscience and the heart"? It is precisely because I feel that *through*

criticism and its implications we can be freed from these difficulties, even though it may be criticism which partially has raised them, because I believe that the old Judaism is confronted with moral and religious, as well as with merely literary and historic difficulties, which must, but which also (as I think) *can*, be solved, that I have urged it as one of the duties of those who share my views to show, both *in* the pulpit and outside it, that "the newer Judaism is truer, better, larger, and freer than the old."

C. G. M.

THE ARABIC PORTION OF THE CAIRO GENIZAH AT CAMBRIDGE.

(*Twelfth Article.*)

XXIX.

INTRODUCTION TO SA'ADYĀH'S "TRANSLATION OF JEREMIAH" (?)

VELLUM, 17.5 × 15 cm., square char., twenty lines on page.

This fragment belongs to one of Sa'adyāh's works. The way in which the same author's commentary on the Book of Job is quoted (fol. 2^{ro}) proves this beyond a doubt. The particular treatise of which it forms a part appears to be the commentary on one of the books of the Bible, because the fragment contains the words: "the book which I am explaining"¹ (fol. 1^{ro}). The *Sefer Yeṣirah* is here out of question, as are also those biblical books of which Sa'adyāh's Arabic versions exist in print. Now, with the exception of Isaiah, no translation or commentary by Sa'adyāh on any other prophetic book has been preserved. It is noteworthy that in the two Yemenian MSS. of the British Museum Or. 1473 and 1474, Isaiah alone is accompanied by the Arabic translation, whilst the other prophets are illustrated by the Aramaic Targum only. From this we may infer that Sa'adyāh's version of these books was lost at an early epoch. It is not, however, necessary to assume that our fragment belongs to one of the books which, in the Canon of the O. T., follow after Job. References from one of Sa'adyāh's commentaries to another are rather frequent, but unfortunately allow

¹ Or "translating," as Sa'adyāh employs *tafsir* for "translating," cf. Job i. 6; xxxvi. 6 (ed. John Cohn).

no definite conclusion as to the priority of the treatment of any book except, perhaps, the Pentateuch. The commentary on Isaiah contains a reference¹ to that of Proverbs, whilst the latter has *two* references² to the former. May we assume that Sa'adyāh was engaged on both commentaries simultaneously? The late Prof. J. Derenbourg suggested that the reference to the Proverbs in the commentary on Isaiah was originally a marginal note added later by Sa'adyāh³. He may have done so once or twice, but in the majority of cases these references most likely occupy their original place in the text itself, especially when they contain a reference to the context. Just this is the case in the fragment. Its great age does not favour the suggestion that the reference to the commentary on Job is of later date, and was put in its present place by a copyist. In the absence of positive arguments to the contrary, we must assume that the work to which it belongs was written after the commentary on Job.

I am under the impression that the fragment forms part of the introduction to the translation of, or commentary on, Jeremiah. The evidence of this is, indeed, scant, and is almost exhausted in the first two lines, which form a fitting illustration of the attitude of the prophet Jeremiah at the beginning of his ministry. We may add to this the circumstance that the allusion to "the prophet" without mentioning his name, implies that the latter is known from the preceding passages. There is no doubt that Jeremiah is *meant*, because the two quotations selected to interpret the situation are taken from his book.

Otherwise the mutilated condition of the fragment renders the task of giving an account of its contents very difficult.

¹ Ed. Derenbourg, p. 126.

² Ed. Derenbourg, pp. 94 and 195.

³ Ibid., p. vii. It seems to me, however, that the reference in Isaiah stands in its right place, whilst the two references in Proverbs are later additions. I am altogether under the impression that the Psalms, Job, and Proverbs were explained prior to the Prophets.

The discussion seems to turn on matters ethical. It appears that in the earlier part of the preamble the author had treated on the different temperaments and conditions of the human mind, of which he had enumerated not less than *eighteen*. Excitement and tranquillity having been disposed of, the author discusses, in the concluding part of the introduction, joy and sadness. He is not, however, concerned in the more philosophical aspect of the question, but in its bearing on religion. Joy is felt when the soul of man is filled with gratitude towards his Master for bounties conferred upon him; or after an act of justice; or at the downfall of the wicked. Its climax is reached in the recognition of God after death¹. With this joy of the righteous is contrasted that of the wicked who delight in evil deeds and in heresy.

The nature of sadness, and the various ways of expressing the same by tears and violent gestures, are explained in the last paragraph and illustrated by a number of quotations from the Bible. The whole discussion is an interesting supplement to Sa'adyāh's ethical code. At all events, the topics treated on in this fragment are absent from Parts VI and X of his philosophical work. It is especially in Part X that we should look for a discourse on the natural dispositions of man, as the subject is touched upon in several places². The author speaks of the three faculties of the soul, viz. desire, anger, and discernment³, and comes rather near our subject in ch. 13, when speaking about tranquillity of mind, excitement⁴, grief, sadness, and joy.

The question to which of the two writings priority belongs must be left open for the present, although the fragment gives the impression of being supplementary. The work of which it forms a part was probably written during the last years of the author's life. Contemplations similar to those in the fragment are by no means out of

¹ An Aristotelian idea, see *Nichomachean Ethics*, X, ch. 7-8.

² *Amānāt*, ed. Landauer, pp. 282, 283, 317.

³ *Ibid.*, p. 284.

⁴ *Ibid.*, p. 313 ٣١٣, cf. the fragment, fol. 1^{ro}, lines 3 and 8.

place in an introduction to a commentary on Jeremiah's prophecies.

There is, however, an undoubted literary relation between the fragment and Sa'adyāh's commentary on Job. Apart from the direct reference to the latter work and several quotations from it, there is the physiological passage on the effect of pain, which occurs almost verbatim in both treatises as well as the employment of the Arabic version of a passage of Job (xiii. 14) in the body of the text of the fragment. If we consider the ritual pairing of the two for special occasions we might derive from it an additional argument that the fragment belongs to Jeremiah.

The great age of the fragment has been alluded to above. It cannot be later than the *eleventh* century, but is probably earlier.

T-S. 8 Ka. 10⁵.

Fol. 1, recto.

י . י . וּמִן תִּשְׁנֶעַ בָּאוֹא תוֹאֵד¹ אֱלֹהָ לֵה אֵן גִּבֵּן מִן אֶלְמַתְעֲדִיין וְאַלְעֲאֹדְלִין
פִּמְדֻמוֹם אִיצָא וּמַעֲקָב כֹּךְ אֱלֹה לֵל[נב] יֵא אֵל תַּחַת מִפְּנֵיהֶם פֶּן אַחַתְךָ
[מִפְּנֵיהֶם] וְקֹאֵל פִּיהֶם וְלֹא פַחַדֹת אֵלֶיךָ נֵאֵם יי אֱלֹהִים צְבֹאוֹת וְאַלְקָל אֵל
וְאַלְטִמְנָאן אֹדָא בְּדֵל אֱלֹאֲמֵר מוֹצֵעָהֲמָא פ[ג] עַל אֱלֹאֲטִנָאן מַע אֱלֹעֵד
פִּי² אֱלַעֲקָאב פִּלֵּם יִנְטֵר א' תִּיה בֹּאֲלַעֲקָבָה כִּמָּא לֹא יַחִיב כֹּךְ לוֹ חֲכֵמוֹ יִשְׁכִּילוֹ
[וְאֵת יִבְיָנוּ לְאַחֲרִיתֶם] וְקֹאֵל פִּיהֶם לֹא זִכְרָה אַחֲרִיתָהּ וְאֹדָא גַּעַל פִּי אֱלֹאֲמֹר
י . י . אֵל . . . ה . . . אֶלְמַחְמוּדָה עֲאֻקְבַּתְהָא פִּלֵּם יִצְדָק בֵּהָא וְלֵם יִסְכֵּן אֱלִיהָא
ה . . . קֵל . . . חֲתִי תִנְקֻלֵּב בִּמָּא יַחַדֹת מִן תִּפְכֵּרָה וְקִלְקָה אֱלִי גִיר מָא
י . י . כֹּךְ וְאֵת מִי דֹאגִת וְתִרְאִי כִי תִכְזֹבִי פִקֵּד תְּכַלְמֵת עֲלִי הִדָּה אֱלִיָּה
כֹּלְק בֹּאֲכַתְצֹאֵר מִן גִּיר אֵן י' חֲמֵר לִלְמוֹאֲצֵעַ אֱלִתִּי יִנְבְּגִי אֵן יִסְתַּעֲמֵל
וְאַלְכֹלֵק מִנְהָא פִּיהָא בֵּל עֵינֵת עֲלִיהָא תַעֲיִיגָא וְאֵת לֹא עֲלִי
אֵן אֲצַף כִּיף יִתּוּלֵד כֹּל כֹּלְק (מִנְהָא פִּיהָא בֵּל עֵינֵת)³ מִן אֵל[אֲכֻלָּאק]

¹ V. conj. with *a mater lectionis*.

² Doubtful.

³ The four words in brackets are evidently dittography.

אלמרכבה אלגסם מנהא ולא כיף יתפרע פרעא מן אלרוח פי ק . . ס (?) לילא
 יכרנ אלכתאב ען חדה אלמקצור בה ובקיית אלכלקין אלאכרין אעני
 אלפרח ואלחוזן אלדין המא תמאם אלכ[לק]¹ לאתכלם עליהמא ואנעלהמא
 כאלאכיר מנהמא מפתחא ללכתאב אלדי אנא מפסרה פאקול אמא
 אלפרח פאלונה פי אן אלבארי כלק אלנפס בה ליכון סבבא לשוכר
 אלעאבד לה עלי מא ינעם בה עליהם מן אלנעם אלתי לה מן נעים אלדניא
 אלכביר בנמעה כק ושמחת בכל הטוב ואלחכמה אדא וצל אליהא
 כק שמחה לצדיק עשות משפט ואלנקמה אדא חלת באלטאלמין

Fol. 1, verso.

כק ישמח צדיק כי חזה נקם ומא ישבה דלך ואגלהא ואעטמהא
 ואלוצול אלי מערפה אללה כק ישמה לב מבקשי יי ונעם אלאכרה כק
 שמחו ביי וגילו צדיקים וישמחו כל חוסי בכ ומא שאכל דלך
 והדא כולק איצא אדא נקלה בפרחה במעאצי כאן דלך זיאדא פי
 גהלה כק השמחים לעשות רע או במעציה כטירה פי אלצורה כק
 שמח לאיר לא ינקה או מע אלכופאר פי אפר[אח] . . פבק . . .
 להם כק אל תשמח ישראל אל גיל בעמים ואמא אלחוזן [פהו]² כלק
 מכנון פי אלנפס אבתדאוהא מן ענצר אלאחרארה ותמ[אמ]הא מן ענצר
 אלברודה וביאן דלך מן סבב חדותה לאן אלסבב אלמחדת לה א[חד אתנ]ין
 אמא סלב נעמה ואמא וצול אלם פאדא האגת אלאחרארה ותרקת קוה
 אלנפס אלי טאהר אלגסר לתטלבהא פאדא הי חצלת מנהא
 עלי אם אסתברלת בחדות אלברודה וצעף קותהא ען
 צם גמיע תלך אלאחרארה ורדה אלי מוצע פיענציר³ באלטבע וצאר
 בוכארא וצרף אלי אלעינין וצאר דמועא ודפעתה אלקווה ואוסמי³ אלבוכאר
 אלי כארנ חתי תסתפרגה וכדלך יכון איצא ענד חדות אלאלם ירתקי
 אלבכאר מן אלאחרארה לונעה ותדליעה פאדא קרב מן טאהר אלגסר
 לם יגד לה מן ראכל מאדה אכרי תטרדה פאדא תחדך לה אלקלב
 אכרנה עלי כט מסתקים אלי אלדמאג ופרקת אלי עינין פאנחל באלדמע
 ואלבכא כמא אן ואצף מא וגה אלחכמה פי תצמינה אלנפס ותכליקהא
 בה פנקול אן דלך מנאפע שתי פמנהא אן תכון אלעבד אדא סלב נעמה

¹ Probably אלכל.

² According to the outlines probably פהו.

³ Sic.

Fol. 2, recto.

וחזון עליהא ישתר גמה כאן דלך אצלח לה עלי אלוניהן גמיעא לאן
 דלך אלמסלוב אלנעמא¹ אן הו כאן עקובה עלי דנוב אקתרפהא פגמה
 וחזנה יופראן¹ פיה אן לא יעאוד פיסלט גירהא ואן כאן דלך סלב
 אלנעמא² מחנה מן אללה לה ליצבר פיעוצה פאלחון תאיידה פי אלבלוי
 ויאידה פי אלתעוין³ כמא שרחת הדין אלאצלין פי כתאב אלתעדיל
 אעני תפסיר איוב וכולך אלקול פי אלאלאם . . . עלי האתין חאלין כק
 היום מרי שיחי ומנהא אן יכון אלמעאפון מן תלך אלאלאם אלדאימא
 געמהם ירו מא נאל דלך אלמעאקב אן אלממתחן פישכרון רבהם
 אד תפצל עליהם אמא במהל ען אלכטייה להם או בתעוין
 אלעוין² בגיר דלך אלנוע אלדי נומה³ כלקהם ומנה אן כל
 אמר אדא עלם אן פי אלזנא⁴ אחזאנא וגמומא ול צלח
 ללטאעא כופא מן . . . תנאלה כק כי פחד אלי [עור] אל ומש[אתו] לא
 אוכל פכיף אן הו נאלה בעינה . . . לי כק יחלין עני בעניו
 ויגל בלחץ אזנם ומא אנפע . . . הדא אלכלק ענד
 חרות אלמציבה ואטהארהא פא . . . ל . . . וגלפ . . דאת אלתי
 קד פסרת ואסתחאלת פעגות אל . . . יה ען רדהא אלי מעדנהא
 כמא תסתפרג אלאכלאט אלמת . . . אלמסתחילה אלי אלפסאר
 באלאדויה כאלמנקיה וכמא תסתנטף כל מאדה פי אלחאל אלתי סבילהא

Fol. 2, verso.

אן תסתבעת בהא וכמא הו מעלום אן בעין אלאטפאל יכון פיהם פצל רדא
 פלא יתחלל אלא באלבוכא פהדא אלנפע אלטביעי ללבוכא פהו אלצורוי
 פאדא עצמת אלמציבה וגאת מן אלמצאיב אעראין עלי גיר נטאם
 אמכן אן יגי מנה ענד גמה וחזנה ערין מע אלבוכא וארי אן
 אצם אעראדהא⁵ איאת מן אלמקרא מדכורה פי אמאכן וצף מצאיב
 קום⁶ פמנהא צרב אליד עלי יד כק ואתה בן אדם תנבא והך כף אלכף

¹ doubtful.² נחמה or נ? prob.³ Probably אעראדהא.² but the first ו effaced.⁴ Probably ו.⁶ Only ק recognizable.

ויצרב אלארץ באלרגל כק הכה בכפך ורקע ברגלך ואמר אח י וצרב
 יד עלי אלפכך כק ואחדי הודעי ספקתי על ירך וצרבהא עלי אלראם
 כק גם מאת זה תצאי וירידך על ראשך וצרבהא עלי אלקלב כק
 על שר[ים ספר]ים י ויריד בה אלצדר ורפע אלחזן אלי הוזה אלה צרבאת
 פי לם אעטייה (?) אלרייסה ואלבאטשה אלמתקלה כיף רפעתה
 אל ל אלמ מנה וחתי יעין על[י] ל מה¹ וינהשה באסנאנה
 כק על מה אשא בשרי בשני וקאל שריך תנתקי ורפעא אלי דלך
 אל עלי נפסה ומ ל חת ה או כיף אבת לב אלצדר וכאנה יקטע
 לחמה ותכריק אלחוב כק [וכשמעי] את הדבר הזה קרעתי בגדי
 ונסך שער אלראם ואללחיה כק ואמרטה משער ראשי וקאל גזי נורך
 והשליכי: ורפעא אלי חרקה למא אן לם ימכנה אלחשקיק ללחמה
 ללאלם אלחאדת א יד אלאקרבין אל לחומה מא לם יולמאנה תם

TRANSLATION.

. and he who shows himself brave with corresponding trust
 in God. If he is cowed by transgressors and abusers, he deserves
 blame and punishment, as God said to the prophet: Be not dismayed
 at their faces lest I confound thee before them (Jer. i. 17); and
 further: And that my fear is not in thee . . . (ibid. ii. 19). When
 the [divine] command changes (?) the places of excitement and
 tranquillity, whilst connecting (?) the latter with the expectation of
 chastisement (?) he does not consider the consequence to avoid
 sinning, as is written in Deut. xxxii. 29 and Lam. i. 9. If he connects
 it with matters of desirable outcome, he neither believes nor has
 confidence in it. He is, then, [in excitement (?)], until it is changed
 by the result of his thought and excitement into something (?)
 as is described in Isa. lvii. 11. I have briefly discussed the *eighteen*
 dispositions of character without the places (passages?) which
 should be employed, and by which temperament is directed. But
 I considered them carefully not in order to describe how
 each of them comes into existence of compound body, nor
 its many mental ramifications lest this dissertation surpass
 the limits I set it. Then there remain the last two dispositions, viz.
 joy and melancholy, which complete the number. Of these I will

¹ Probably להמה. Cf. Sa'adyāh's translation to Job xiii. 14 עלי מא דא
 אנהש לחמי באסנאני.

speak and place them immediately after the beginning of the book which I am interpreting.

Joy, I say, has the following aspect. The Creator has implanted it in the human soul that it may serve man as a source of gratitude for the benefits of this world bestowed upon man as is expressed in Deut. xxvi. 11; or when he acquires wisdom as is said in Prov. xxi. Fol. 1, 15; or when revenge overtakes the wicked | as stated in Ps. lviii. 11. verso. The highest degree of joy consists in reaching the knowledge of God, as is written in Ps. cv. 3. The bliss of the future life is expressed in Ps. v. 12 and similar passages.

When his joy turns to wickedness, this is consummate folly, as is expressed in Ps. ii. 14; or when he rejoices in another's misfortune, as stated in Prov. xvii. 5; or when he joins the ranks of heretics as in Hos. ix. 1.

Sadness is a disposition hidden in the soul, deriving its origin from the heat element, and reaching its completion (?) in the cold element. The explanation of this is to be found in the causes of its origin of which there are two: firstly, loss of enjoyment; secondly, the affection of pain. Now if heat is produced and the power of the soul lifted up, outside the body in order to seek it. When it, then, arrives it is changed in consequence of the cold and the decreased power which is unable to collect the whole heat and to transport it to a place It becomes naturally condensed and is changed into vapour which, entering the eye, becomes a tear. It is, then, removed outside and discharged. A similar process is that which engenders pain, in consequence of which the vapour produced by the heat rises up. When it is nearing the surface of the body, there is inside no other expelling substance, but when the heart is moved by it, it leads it straightway to the brain¹. It is then distributed between the eyes and dissolved into tears and weeping, just as

This has various advantages. One of them is that, when a person suffers the loss of anything that pleases him, and regrets it, he feels his distress acutely. This benefits him greatly for two reasons. If Fol. 2, his loss is a punishment for transgression committed, it becomes recto. a gain. His distress brings him forgiveness if he does not repeat [the sin], and he escapes another [punishment]. But if the loss

¹ Compare with this Sa'adyāh's explanation of Job xiii. 14: Pain rouses the natural heat which moves away from the heart through the arteries to all parts of the body. While in a state of excitement the heart loses heat and, therefore, does not work satisfactorily on account of the vapour which mounts up to the brain.

of his property is a trial from God, he may hope for compensation, and his sadness helps him in his calamity. I have explained these two principles in the *Commentary on the Book of Job*.

There are also two conceptions of the idea of pain, as can be seen from Job xxiii. 2. Those who desire to be secure from these pains of lasting advantage (?), seek to obtain [immunity from] punishment or trial. They are grateful to their Lord either for overlooking their sin, or for exchanging it for something else which their disposition if they are aware that there is sadness and distress in it promotes obedience as the result of fear . . . as explained in Job xxxi. 23 and xxxvi. 15¹. This disposition is of the greatest advantage when a calamity arises This is like which has deteriorated and become changed to reduce it to its mineral, just as mixtures which have become deteriorated through drugs—as —are emitted; or as every substance is purified in the condition by which it is stirred. It is also known that some children suffer from extreme debility which is only dissolved by crying. This physical advantage to cry arises from necessity. When a calamity is very great, and circumstances arise from calamities in an extraordinary manner, the tears of distress are accompanied by other actions. I will quote various passages of the Bible in illustration of this: viz. smiting one hand on the other, as in Ezek. xxi. 19; or smiting the ground with the foot, as in Ezek. vi. 11; or smiting the hand on the lips, as in Jer. xxxi. 19; or smiting the head, as in Jer. ii. 37; or smiting the heart, smiting the breast, Isa. xxxii. 12². If distress rises to such a height as to lead to these five kinds of smiting even bites his flesh with his teeth³, as in Job xiii. 14 and Ezek. xxiii. 34 or rending the clothes, as in Ezra ix. 3; tearing out the hair, as in the same verse and Jer. vii. 29

Frl. 2,
verso.

XXX.

DEFINITIONS.

PAPER, two leaves, 13 × 9 cm. Fol. 1 recto, Or. Rabb. char.; fol. 1 verso and fol. 2 large square characters.

The following fragment consists of two divisions of

¹ Cp. *עלי מא נאלה* in the fragment with *נאלה* in the explanation of the passage in Job.

² That this is Sa'adyāh's conception of the passage can be seen from his Arabic version *فترأاهم يركن على ألهويين كالأرنبات*.

³ See Sa'adyāh's translation of the passage quoted *עלי מא זא אנהש לחמי* *באסנאני*.

different ages. The main part begins on the *verso* of the first leaf in the manner of many treatises and booklets, which leave the first page free for the title. In the absence of the latter the empty space was employed by a later owner to jot down on it a few lines similar in character to the subject of the main piece, but derived from another source. The difference in the ages is also indicated in the different hands. It is, therefore, advisable to discuss each division separately and to treat on the older one which is of great age first.

1. Extract from the "Book of Definitions."

This is the superscription, and the question is: which work is here alluded to? There are two treatises which come into consideration, viz. the *Book of Definitions* by Isaac Al Isrā'ili (the elder)¹ and the "Letter on Definitions" by Ibn Sīnā². The identity of the titles both of Isaac's work and the fragment might suggest an easy solution of the question if all definitions were taken from the former work. This is not so, however, neither is it the case with Ibn Sīnā's letter. The first definition of the human soul is a mere reproduction of that given by Aristotle, and might have been borrowed either from Isaac or Ibn Sīnā, or from the latter's special treatise on the subject³. The first definition of nature is likewise Aristotelian, but is not given in this form by Isaac⁴. The second definition, that the soul is a luminous body, is to be found in a similar form in Isaac's treatise⁵. The definitions of *ḥikma* (wisdom)⁶

¹ See *Steinschneider-Jubelschrift* (Hebrew part), pp. 131 sqq.

² *Risāla fil-ḥudūd*, Constantinople, 1298 (1880). The *مقالة في ذكر الحدود* by Sa'īd b. Hibat Allāh, who died in 1112, scarcely comes in for consideration here, as our fragment seems to be older.

³ See Landauer, "Die Psychologie des Ibn Sīnā," *Z.D.M.G.*, vol. XXIX, pp. 335 sqq.

⁴ Isaac, p. 138; see also Al Khazari, I, 73.

⁵ Compare with this Sa'adyāh's definition that the soul is a finer and more ethereal substance than the spheres, *Amānāt*, ed. Landauer, pp. 166, 194.

⁶ Instead of *החכמה*, Isaac, p. 140, l. 23, read *החכמה* according to the Arabic original, *J. Q. R.* XV, p. 692, last line but one from bottom.

and *'aql* (intelligence) are not given by Isaac at all; but the definition of the latter coincides with Isaac's definition of its homonym *natq* (reasonable speech).

The "seven faculties" of the soul of which the fragment speaks are evidently the compiler's own, as both Isaac and Ibn Sīnā only distinguish *three*, viz. the vegetative, animal, and rational faculties¹. But Sa'adyāh, in the commentary on Job i. 6 enumerates three other faculties of the soul, viz. thought, anger, and desire, all of which figure in the list given in the fragment. It is therefore evident that the compiler enlarged the list for the sake of the number *seven*.

2. The *second division* forms a combination of philosophy and grammar, giving a collection of definitions and illustrations of the *noun*. It begins with three explanations of the noun ascribed to Sibawaihi. There is some difficulty in this, as Sibawaihi neither gives a definition of the noun², nor more than *one* illustration. The latter is reproduced in our fragment, occupying the second place, viz. that a noun is [a word like] *man, horse*³. There is, however, other evidence that the compiler of the note had read Sibawaihi's book, because there is a quotation in line 3 of the text which coincides verbatim with the book⁴. Also several words in line 2 seem to correspond with a passage in page 1, line 2 of the book, but are incorrectly copied.

To these definitions the compiler adds three more. The second of these has a parallel in the "Treatise on Definitions" by Sa'id b. Hibat Allāh⁵. The text of the last

¹ Compare Al Khazari, II, 14.

² This has already been observed by Ibn Ya'ish, the commentator of Zamakhshari's *Mufaṣṣal* (ed. Jahn, p. 25).

³ *Sibawaihi*, ed. H. Derenbourg, p. 1.

⁴ *Ibid.*, p. 2, line 15 لا ترى أنّك لو قلت ان يضرب ياتينا

⁵ MS. Brit. Mus. Arund. Pr. 10, fol. 132^v حدّ الاسم البسيط صوت بالتواطي مجرّدا من الزمان جزء من اجزائه لا يدلّ بانفراة

one in unfortunately mutilated. The whole notice is an interesting document testifying to the interest which Oriental Jews took in the Arabic language and literature which they endeavoured to disseminate among their own kindred. The Genizah harbours many instances of this.

T-S. 8 Ka. 6³.

Fol. 1, verso.

(1) מסתכרנ מן כתאב אלהדור

חד אלנפס אנהא כמאל לגסם טביעי אלי די חיוה באלקוה וחדהא איצא
אנהא גוהר נורי להא ד קוי תחרך דאתהא באלשוק מנהא אלי צאנעהא
ואלקוי אלז אלעקל ואלפכרה ואלפטנה ואלוהם ואלשהוה ואלגצב ואלחואם
וחד אלנפס איצא אנהא אבתרי כל חס וכל חרכה אלנפס הי בין אלחרכה
ואלסכון פלו כאנת מן אלחרכה למא סכנת ולו כאנת מן אלסכון למא
תחרכת חר אלחכמה אנהא עלם כל נאפע ולזום אלעדל חר אלעקל אנה
אפצל כואץ אלנפס אלנאטקה וחדהא איצא אנה אלקוה אלהאלה עלי עלם
חקאיק אלאשיא חד אלטביעה אנהא אבתרי אלחרכה ואלסכון וחדהא
איצא אנהא אלקוה אלמדברה ללאנסאם

Fol. 1, recto.

(2) חד אלאסם לסיבויה ק[אל] פיה תלתה אקואל אלאסם מא חסן פיה
מעני ינפעני ויצר בי פהו אסם ואלאסם רגל ופרס וקאל בעד הודא פאלאסמא
אלמחדת (?) לאנהא אלאסם מא צל[ח] אן יכון פאעלא לאנה קאל אלי
תרי אנך לו קלת אן יצרב יאתינא לם יכן כלאמא כמא תקול אן צארבך
יאתינא פדל בהודא עלי אן אלאסם ענדה מא צלח לה אלפעל אלאסם
מא כאן מסתקרא עלי מסמי וקת דכרך איאה . . או לאזמא לה יקאל
אלאסם צות מקטע מפהום דל עלי מעני גיר דאל עלי זמ[אן] ולא מכאן
אלאסם מא דל עלי מסמי . . ולמ . . . אן כל מא דכל עליה חרף מן
חרוף אל גר פהו אסם פאן א ת מן דלך פלים באסם

TRANSLATION.

1. Extract from the Book of Definitions.

The definition of the *soul* is: a perfection to the natural organic body which is potentially endowed with life. It is further defined as a luminary substance endowed with seven faculties which move its essence by means of its desire to its Maker. The seven faculties are: intellect, thought, sagacity, imagination, desire, anger, and senses. The soul is further defined as the beginning of every sensation. Every movement of the soul is [something] between movement and rest. For were it movement it could not rest, and were it rest it could not move. *Wisdom* is the knowledge of everything that is useful and of the necessity of justice. *Intelligence* is the most superior characteristic of the reasonable soul. It is further defined as a faculty which points out the real essence of things. *Nature* is the beginning of movement and rest. It is further defined as the power which directs concrete subjects . . .

2. Definition of the noun according to Sibawaihi, who made three statements on the subject. (1) The noun is [a word] which conveys a proper meaning [of a thing] which either profits or injures one. Such a thing is a noun, e.g. *man*, *horse*. Subsequently he says: (2) Nouns are (3) A noun is a thing which has the faculty of being an agent. If you say: "Lo, he will beat¹, he will come to me," this is not a sentence as is: "Lo, he who beats thee² will come to me." This [instance] shows that, in his opinion, the noun has the faculty of performing an action. The noun is a notion fixed on something named at the time when it is mentioned, or belonging to it. He says: The noun is a defined sound which is intelligible and points to a meaning, but is independent of time and place. The noun is a thing that points on an appellative Every word which can take a preposition is a noun then it is not a noun.

HARTWIG HIRSCHFELD.

¹ Imperfect.² Participle.

PHILO OF ALEXANDRIA¹.*De Somniis*, I.

THE treatise entitled "concerning the [doctrine] that dreams are sent by God," begins with a reference to its predecessor, in which Philo has discussed dreams of the first kind. This class includes all dreams which, sent by the deity, correspond to the predilections or idiosyncrasies of the sleepers. The second class comprises those dreams which imply the sympathy of our minds with that of the universe, in virtue of which we are enabled to anticipate and forecast the future.

The first dream which belongs to this class is the ladder which appeared in the heaven, as is narrated in Gen. xxviii. 12-15. In order to understand the significance of this apparition we must first examine what went before it. "Jacob went forth from the well of the oath and journeyed into Haran, and met a place, for the sun had set, and he took of the stones of the place and laid them by his head, and slept in that place (*ibid.*, 10 f.)." Here are three questions which must be answered:—first, "What is the well of the oath, and why is it so called?" then, "What is Haran, and why did he arrive there immediately?" and lastly, "What is the place, and why, when he came there, did the sun set and he sleep?"

The well is presumably the symbol of knowledge, which is in all cases hidden and hard to discover. Take any art you please—not the noblest, but the most obscure, which no free man bred in a city would consent of his own will to practise: you will find it hard to acquire at the price of sweat and thought. And water may not

¹ One of a series of articles in which the works of Philo are being summarized.

reward the toilsome search after all (cf. Gen. xxvi. 32), for the ends of the sciences are undiscoverable. As a man advances in knowledge there is always more behind, beyond, so that when he fancies he is touching the limits of a science he is but half-way in the judgment of his fellow-student, and according to the standard of the truth he has only just begun. The well of knowledge has neither boundary nor end; and accordingly the well is "the well of an oath," since there is no truth which is surer than this.

But why is it the fourth and last well digged by the servants of Abraham and Isaac to which this title is given? There are four elements in the universe, earth, water, air, and heaven: all are perceptible by our senses except the heaven, which sends to us no clear knowledge of itself. All the theories of astronomers are but guesses. No mortal will ever be able to comprehend clearly the nature of the heaven itself, of the stars, or of the moon.

So too in us the fourth element is incomprehensible. Body, sense, speech we can describe. The body moves, and is the vessel of the soul. There are five senses, each with its proper organ, and they are the bodyguard of the soul. Voices are loud or soft, harsh or musical, and in articulate speech, gift granted only to man, it serves as interpreter to the prompter, Mind. Well then, this fourth thing within us, this ruler Mind, is it comprehensible? What is it in its essence? Is it spirit, or blood, or body at all? Surely it is not body. And if incorporeal, which of the many conceptions suggested by the philosophers shall we adopt? Again, is it born along with us? Or is it inserted from without? When we die, is it quenched or does it long survive, or is it wholly incorruptible? Where does it reside? In head or heart?

Heaven in the world, and mind in man—both are incomprehensible. And therefore is the *fourth* year holy and praiseworthy (Lev. xix. 24). For the heaven is holy as the home of the incorruptible and long-lived natures;

and mind is holy, being a fragment of God, as Moses says, "He breathed upon his face a breath of life, and man became a living soul" (Gen. ii. 7). It is man's peculiar privilege to worship the "I am." Praiseworthy therefore is man as the heaven, whose eternal melody would wean us from our needful food, making us immortal by its songs could we but hear them as Moses heard.

"They found no water in the fourth well"—what is this but to say that Leah, who is virtue, bare no more children after Judah, the perfect fruit. Thanksgiving, her fourth son. Both symbols set forth the truth that all things thirst for God, from whom is all birth and nurture. Let little minds suppose that the Lawgiver speaks all this concerning the excavation of wells. They who are enrolled in the greater country, the universe, will know clearly that the search is not for wells, but for the four parts of the whole, earth, water, air, heaven—at least for the seers and contemplative.

Haran is a metropolis of the senses, so to speak, for it means a pit or cave, and in the body are excavated holes in which each sense may lurk. So when one leaves the well, which is called Oath, one necessarily comes at once to Haran. The emigrant from the perfect and infinite knowledge needs no escort to guide him to the senses. Too weak to consort continually with pure intellect he declines upon the senses and sensible objects. Well for him if he grow not old therein, and live there his life, but only sojourn as in a strange country, ever seeking restoration to his fatherland. Laban reckoned it his home, but Jacob could not endure to spend many days there as a concession to the needs of the body (Gen. xxvii. 43 f.). So Abraham, the grandfather of this practiser of virtue, went forth from Haran when he was sixty years old (Gen. xii. 4). Terah, on the other hand, as Scripture expressly says, died there, being but a spy upon virtue, and not a citizen of virtue, capable only (as his name denotes) of smelling at wisdom like a hound. Blessed are they who can sit down at the holy table and feast, and still thirst for knowledge.

We are not to see in this account of the migration of Terah a literal fact such as we should learn from an historian. It is recorded in order that a lesson of the utmost value for life, and fit for a man, should not be neglected. The Chaldeans are astronomers: the citizens of Haran are busy with the place of the senses. Here is the lesson. Why busy thyself with speculations that are high above thee? Contemplate that which is near thee. Search thyself without flattery. Go to Haran, and there prosecute thy research. Study thy senses, I do not say thy soul and mind. Fetch down the spy from the heavens and know thyself if thou wilt attain to human happiness.

This disposition then the Hebrews call Terah, the Greeks Socrates. They say that Socrates grew old in the accurate study of self-knowledge, never philosophizing save about what concerned himself. But he was a man, and Terah the principle itself. Abraham excelled him, for he learned to know himself and then renounced self-knowledge that he might come to accurate knowledge of the truth. The more a man comprehends himself the more he renounces [knowledge of] himself, apprehending the universal nothingness of that which comes into being, and he that has renounced [knowledge of] himself comes to know him who Is.

The third problem, which arises out of Gen. xxviii. 11, is "what is the place which he meets?" The word "place" is used in three senses in Scripture. The first is the ordinary sense of space occupied by matter or body. But in the second it denotes the divine Logos, which God himself has filled through and through with incorporeal powers. Thus it is written, "I saw the place where stood the God of Israel" (Exod. xxiv. 10), wherein alone he bade them perform sacrifice. And thirdly, God himself is called Place because he contains all things, but is contained by nothing at all save himself. God is his own place, whereas you and I are in a place. So we can understand how Abraham "came to the place which God told him, and

lifting up his eyes saw the place afar off" (Gen. xxii. 3 f.). He that is led by wisdom reaches the divine Logos, the head and end of ἀρεσκεία, but sees the other Place far removed, since the comprehension of God as he is is far removed from human understanding.

So here, the place he meets is not God but God's Word, which he sends into the region of sense to help the virtuous, and they heal the soul's diseases, setting up the sacred admonitions as immoveable laws. This place *he meets* involuntarily, that is not coming to it of set purpose. Suddenly the divine Word appears, ready to journey with the desolate soul and affording greater, because unlooked for, joy of hope. So Moses leads forth the people *to meet* God (Exod. xix. 17), knowing well that he comes unseen to the souls that yearn for him.

"He met the place" then. And why? "Because the sun went down" (Gen. xxviii. 11). It is not the phenomenal sun which is meant but the brilliant light of the invisible supreme God, before which the second lights of the Word or Words pale and, much more, the places of the sensible material world are overshadowed. Wonder not that, according to the rules of allegory, the sun is likened to the father and ruler of all things. Really nothing is like God, but two things are conventionally compared to him—soul and sun. The likeness of the soul to God is clearly implied in the account of the creation of man (Gen. i. 27; cf. ix. 6); that of the sun is indicated by symbols. With little reflection it is easy to perceive the likeness. In the Hymns the Psalmist sings "the Lord is my light" (Ps. xxvi. 1), and not light only but archetype of every other light, nay rather older and higher than every archetype.

As the sun shows up hidden bodies so God begat all things—did not merely bring them to light but made the things which were not before, being not merely framer (δημιουργός) but actually creator.

Elsewhere the sun stands for the human mind, for perception, and for the divine Word; as here for the Ruler

of the universe to whom all things are manifest, even the invisible workings of the mind's recesses.

To clinch this point Philo cries out like an orator in a law court, "Repeat the law." The statute to which he appeals is Exod. xxii. 26 f., "If thou take in pledge the cloak of thy neighbour thou shalt restore it to him before the going down of the sun; for this is his only covering, this is the cloak of his unseemliness. Wherein shall he sleep? if, therefore, he cry unto me I will hear him: for I am merciful." Is it not natural that those who think that the Lawgiver showed such zeal for raiment should remind us, if not abuse us, saying: "What is this—the Creator and Governor of the universe call himself merciful in respect of so trivial a matter as this? Such a view is characteristic of those who do not understand the greatness of the virtue of the all-great God, and without any warrant attribute human pettiness of mind to the uncreated and incorruptible nature of God. It is not strange that the creditors should keep the pledges until they recover their own. If the debtors are poor it would have been better to write a law that they should rather assist them with alms; but for what could a man pledge his only garment? no one lacks the necessities of life so long as there are springs of water and the earth bears its yearly harvest. And why is the garment to be restored at night when darkness would conceal his shame? Nothing is said about the return of the bedclothes in the morning, indeed the peculiarity of the language is sufficient to lead even the slowest to perceive some meaning other than the literal.

Such considerations may be urged against the wiseacres who insist upon a literal interpretation and lift their eyebrows at any other. Let *us* follow the laws of allegory, the cloak is a symbol of speech, the best gift given from God to man. Speech enables him to resist all revolutionaries, it conceals his faults and leads him to amendment. But there are some who take his speech in pledge and rob him of it. Such wage implacable warfare against the

rational nature, cutting off its shoots, stifling its young growth, rendering it barren of all noble practices, and quenching love of philosophic speculation.

The "shame" which speech hides is ignorance, and therefore it is added "this cloak is the only cloak of his unseemliness." In what then will he sleep? that is to say, in what then will a man rest and be at peace save in speech? For speech lightens the burden of our race, just as the kindness of familiar friends has often healed those who are oppressed by grief, or fear, or any other evil, so not often, but always, the heaviest load of all, which bodily necessities and unforeseen accidents lay upon us, is warded off by speech alone. Speech is our friend and familiar companion, united to us by an indissoluble and invisible bond. It tells us what will be profitable for us, and when anything unforeseen comes upon us it is ready of its own accord to help not only as counsellor but as comrade. If it fail in plan or act it can still console us, for it is a salve of wounds and a salvation of the soul's passions—this speech which we must restore before the rays which God, in pity for our race, sends into the mind of man have set. So he that receives man's peculiar possession may cover the shame of mortal life and profit by the divine gift and rest calmly. So long, then, as God sheds upon you this holy light strive in the day to repay the pledge to the Lord: for at its setting, like all Egypt, you will have a darkness which can be felt for ever, and smitten with blindness and ignorance you will be robbed of your fancied possessions, enslaved perforce by the seer Israel, whom you held in pledge.

This lengthy digression is necessary to bring out the meaning of the words "he met the place for the sun had set." When the rays of God, whereby the clearest conceptions of things are produced, desert the soul then the second and weaker light of words, not of things, arises; as in this world the moon rises at sunset. To meet a place or word is gift sufficient for those who cannot see the God who

transcends place and word: since that pure light has set for them they reap the fruits of the tempered light.

Some, supposing that the sun is a symbolic expression for perception and mind, which are considered to be criteria in ourselves, and that place is the divine Logos, have interpreted thus:—the practiser of virtue met the divine Word when the mortal and human light set. It is only when mind and sense confess their weakness and, so to speak set, that right reason comes forward to champion the soul that has despaired of itself.

It goes on to say that he took of the stones of the place and laid them at his head and slept in that place. The literal meaning is sufficiently impressive; it contains a condemnation of the luxurious life of the miserable people who think themselves happy, but we must search out the symbolism of the passage. The divine place and the sacred region are full of bodiless intelligences, and these are immortal souls. One of these he takes, choosing the highest, and places it near his mind, for the mind is, in a way, the head of the soul. So he will not sleep, in the literal sense, but repose upon the divine Word and rest thereon his whole life, no heavy load. And the Word gladly hearkens and receives the athlete for training until his strength becomes irresistible. Then with divine inspirations he changes Jacob's ears to eyes and calls him Israel the seer, and crowns him with the crown of victory whose name is numbness (Gen. xxxii. 25). For it is said the breadth was numbed; for if the soul which has been perfected in the contests of virtue is not elated, but contracts the breadth which is widened by opinion, and then trips itself up voluntarily, and halts in order that it may be passed by the bodiless natures, it will conquer though it appears to be defeated.

Such is the preface of the vision sent by God: now it is time to turn to the vision itself. "He dreamed, and lo a ladder planted firmly on the earth, whose head reached to the heaven, and the angels of God ascended and descended upon it; but the Lord was set upon it." Now

the ladder is the air whose foot is the earth, and whose summit the heaven; and the air, which gives life to all creatures, is itself a well-peopled city, whose citizens are incorruptible and immortal souls, equal in number to the stars; some of these souls go down to be imprisoned in mortal bodies, being akin to earth and fond of bodies. Others go up, and if they yearn for the conditions of mortal life return again; but those which condemn its futility call the body a prison and a tomb, and escape to the upper air, there to remain on high for ever. There are other souls, pure and good, whose thoughts are greater and more divine, who never desired any earthly thing, but are the lieutenants of the All-ruler, ever seeing and hearing all things; these are the demons of all other philosophers, who are called in the Law angels or messengers. It is not that the omnipresent God needs informers, but that it is expedient for us poor mortals to have intelligences as mediators and arbitrators, because we quail before the supreme Judge. So once perceiving this, we besought one of the mediators, saying, "Speak thou to us, and let not God speak to us lest we die." God must employ ministers for his beneficence, else we cannot bear it.

There is a ladder in man as well as in the universe. If we look we shall find that the ladder in man is the soul, whose foot is the earthly sense, and whose head is the heavenly mind; now throughout the soul the words of God go up and down incessantly, now dragging it up with them, away from the mortal sphere, to see the sight of those things which alone are worth seeing, and now, not casting it down, since neither God nor the Word of God can be the cause of punishment, but descending with it for love and pity of our race, to help and succour and revive the soul that is still carried about within the body as in a river. The Ruler of the universe himself walks about in the minds of those who are absolutely cleansed (Lev. xxvi. 12); but in the minds of those who are still being washed, and have not yet washed away the pol-

lutions of bodily life, the angels walk, the words of God gladdening them with the doctrines of virtue. Strive then, O soul, to become God's house, an holy temple, a goodly dwelling-place; for perchance thou too shalt have the householder of the whole world caring for his own house, that it may ever be kept well fenced and free from harm.

Perhaps also the practiser of virtue conceives of his own life as like a ladder, for practice is an unequal thing, now soaring up and now descending. Some one has said that the life of the practisers of virtue alternates between waking life and death-like sleep. And this is true, since they are midway between the wise, whose dwelling-place is heaven, and the wicked, whose home is the recesses of hades. Those who are practising virtue walk up and down as upon a ladder, drawn up or dragged back until God, the umpire of the struggle, award the prize to the worthy and destroy the rest.

Again, the affairs of men are like a ladder. One day, as some one said, puts down one man from on high and raises another up. Princes become commoners, commoners become princes. Rich become poor, and poor rich. Such and such is the road of human affairs, up and down; full of unstable fortunes whose inequality time plainly shows.

Now the dream showed the archangel, the Lord fixed on the ladder. For we must suppose that as a charioteer stands above his chariot, or a pilot above his ship, so the Absolute stands over bodies, souls, things, words, angels, earth, air, heaven, perceptible powers, invisible natures, over whatever can or cannot be seen. God is the charioteer of nature. But if God is fixed thereon it is only because he is the prop and firm foundation of all things.

He that stands upon the ladder of heaven says "I am the Lord God of Abraham thy father, and the God of Isaac" (Gen. xxviii. 13). The difference in the phrases is not without meaning. Isaac stands for the knowledge which

is self-taught, but Abraham for the knowledge which is being taught. The one is a son of the soil, the other a settler who has forsaken the language of the astronomers, and come to that which befits a rational being, the worship of the Cause of all things. Abraham then needs two powers, governance and beneficence, while Isaac needs only the gifts which are showered down from above. God is the name of the gracious Power, Lord is the name of the kingly Power, so Jacob prays that the Lord would be to him a God, for he wished no longer to fear him as Ruler, but to honour and love him as Benefactor.

Shall we then be blind to all but the literal meaning of scripture? Nay, truly, if we close the eye of the soul, and will not or cannot look up, do thou, O Hierophant, prompt and direct us till thou initiate us into the hidden light of sacred words, and show us the beauties which are hid from the gaze of the profane. And ye souls who have tasted the divine desires rise up from your deep sleep, scatter the mist, press on to the glorious spectacle, quitting your slow and hesitating fear, that ye may perceive what sights and sounds for your advantage the president of the great games hath made ready.

The oracle calls Jacob's grandfather his father, and does not add the title to his real father. It is well worth while to examine carefully the reason for this. Virtue is said to be acquired either by nature, or by practice, or by learning. So there are three chieftains of the nation all wise, but not starting from the same point, although they press towards the same end. Abraham, the eldest of these, used instruction as his guide upon the way leading to virtue; Isaac self-taught nature; Jacob toilsome practices. All three are types or kinds of minds. Thus Jacob, if he run strenuously towards the goal, becomes Israel, and then has Isaac, not Abraham, for his father. This is not my own legend, but an oracle inscribed in the sacred records. Scripture says "Israel removed, he and all that were his, and came to the well of the oath, and sacrificed a sacrifice

to the God of his father Isaac" (Gen. xlv. 1). Now do you understand that the text does not concern corruptible men, but the nature of things?

God bids Jacob "fear not," Abraham he taught, Isaac he begat. Abraham was his disciple, Isaac his son. How shall we fear who have God as our defender? To Jacob God promises the earth, that is fruitful virtue, whereon he sleeps. The race of wisdom is likened to the sand of the earth, for instruction checks the flood-tides of sin. The wise man is not a blessing to himself alone, but to all who share a rational nature. If any one in house or city or district or nation become a lover of wisdom, that house, city, district, or nation must lead a better life, influenced by the sweet savour of his wisdom.

But the greatest benefit for the soul that labours and strives is to have the omnipresent God for comrade on his journey. For lo, he says, "I am with thee." What wealth then could we need? Thee we have who alone art the true wealth, guarding us on the way, which in all its windings leads to virtue. Very well is it said, "I will return thee to this land." It were best that the reason should remain in its own sphere, and not migrate to the sphere of the senses; it is next best that it should return to its own sphere again. And perhaps also there is here a hint of the doctrine of the soul's immortality; for it left its heavenly place and came, as it were, into a strange country, the body. So the father that begat it says that he will not leave it for ever imprisoned, but taking pity will loose its chains and send it free to its metropolis, and will not cease before his promise is made good.

So Jacob cries out repentant, "It is not as I thought; the Lord contains and is not contained, according to the true theory." But this visible universe is nothing else than the house of God, that is of one of the powers of the Absolute, his beneficence. Further, he calls the universe the gate of true heaven. What then does this mean? It is impossible to conceive of the world of ideas save by

migration from the material world. We must enter in by the gate appointed.

But enough of this. There is another dream which belongs to the same class, which is thus narrated by the dreamer:—"The angel of God said to me in sleep, Jacob; and I said, What is it? and he said, Look up with thine eyes, and behold the goats and the rams mounting upon the sheep and the goats, white and spotted and ring-straked; for I have seen all that Laban doth to thee. I am the God that was seen of thee in God's place, where thou didst anoint for me a pillar, and didst vow unto me a vow. Now, therefore, rise up and come forth from this land, and depart into the land of thy birth, and I will be with thee" (Gen. xxxi. 11-13). Hence we see that dreams, which come through the interpreters and attendant angels of the First Cause, are also reckoned as sent by God. Notice what follows. To some the Holy Word speaks as a king in command: to others it suggests as a teacher to his disciples what will be beneficial for them: to others as a counsellor it introduces the best thoughts, and so benefits those who of themselves are ignorant of what is expedient: to others again, like a friend, it brings up unspeakable things, which none of the uninitiated may hear. Here, as to Moses at the bush and to Abraham at the sacrifice of his beloved and only son, it speaks as to a friend, first calling him by name. And Jacob looks up to discern the meaning of the symbols presented to him. The he-goat and the ram are leaders of their flocks. The flocks are souls; the he-goats and the rams are the right reason of wisdom.

And when he looked up—saw with the eye of his mind which before was closed—he beheld the perfect Reasons, sharpened to the diminution of vice and the increase of right action, mounting upon the young and tender souls, not seeking empty pleasure, but sowing the invisible seed of the doctrines of knowledge. Go then, sow your seed, ye Reasons, pass by no soul of good and virgin soil, for

such will bear good fruit, all male offspring, ringstraked, speckled, and grisled.

We must inquire into the force of each of these terms, "ringstraked, speckled, and grisled." "Ringstraked" is literally very white, *διάλευκοι*—for *διά* has an intensive force in compounds. So the meaning is that the firstborn of the soul that receives sacred seed are "very white," like the clearest brightest light of unclouded noon.

"Speckled" does not refer to the irregular spots of leprosy, which represent the unsettled life of an unstable mind, but to the regular and harmonious markings which fit into and correspond with each other. The word is commonly appropriated to weaving or embroidery; but the universe itself is a piece of embroidery, an harmonious combination of different elements which calls for reverential respect for the work, the art, and the artificer.

The third offspring is described as "grisled," dust-coloured, sprinkled (*σποδοειδεῖς ῥαντοί*). What sane man would not say that these also belong to the class of speckled or variegated? Such zeal for minute details is not concerned with the difference of cattle, but with the path which leads to virtue. The meaning is that he who walks thereon is sprinkled with dust and water, because the story goes that earth and water were mixed and moulded by the Creator and transformed into our body, which is no handiwork, but a work of invisible nature. It is then the beginning of wisdom not to forget oneself, but ever to hold before oneself that out of which one is compounded so may one be cleansed from haughtiness, the evil which God most detests. For, who bethinking himself that ashes and water are his beginnings of being (*τῆς γενέσεως*), can be puffed up and exalted by pride? Therefore, the law-giver ordained (*ἐδικαίωσεν*) that those about to perform the sacred rites should be sprinkled therewith, thinking none worthy to sacrifice who had not first known himself and perceived the nothingness of man, inferring from the elements of which he is composed his utter unworthiness.

The great highpriest, whenever he is about to perform the ritual ordained by law, must first be sprinkled with ashes and water (Exod. xxix. 4) to remind him of himself, just as the wise Abraham when he went to entreat God said that he was earth and dust (Gen. xviii. 27). Then he must put on the coat reaching to his feet, and the varied thing which is called the breastplate, the image of the stars.

For there are, it would seem, two temples of God—the one, this world in which God's firstborn, the divine Logos, is highpriest; and the other the rational soul, whereof the true man is priest, whose material image is he who performs the ancestral prayers and sacrifices, who is commanded to put on the aforesaid coat, the counterpart of the whole heaven, that the world may join with man and man with the universe in the rite.

What then of the third class—the pure white? When this same highpriest enters into the inmost place of the sanctuary, he puts off his varied garment and takes a second made of finest linen. This is the symbol of harmony, of incorruptibility, of most brilliant light: for this fine linen is unbroken and is made of nothing that dies, and, moreover, has a bright and shining colour, being not carelessly purified. Thus I read this riddle. None of those who guilelessly and purely worship the Absolute (*τὸ ὅν*) but must first be determined to despise the affairs of men, which beguile and harm and bring weakness: then, deriding the vain inventions of mortals, he aims at immortality; and last, he is illuminated by the shadowless brilliant light of truth, no longer entertaining any vain opinion.

In strong contrast with the highpriest who is clad thus and thus we read of Joseph with his coat of many colours. He is not sprinkled with holy purifications, whence he might have known himself to be a compound of ashes and water; nor may he touch the white and radiant garment, virtue. His coat is the varied coat of politics, wherein the smallest portion of truth is mingled with many large portions

of specious lies. Hence have sprung up all the sophists of Egypt, augurs, ventriloquists, diviners, from whose treacherous arts it is very hard to escape. So it is but natural that Moses speaks of his coat as being drabbled with blood (Gen. xxxviii. 31), since all the life of the politician is bedrabbled, warring, and warred upon, smitten by unforeseen contingencies. Examine the great leader of the people, unaffected by the general admiration which he commands. You will find many diseases lurking within him: dangers are dogging his footsteps: each individual is raising itself by violence and secretly wrestling with him, while the many are discontented with his rule, or a more powerful rival is rising up against him. Envy is always a terrible enemy, ever clinging to our fancied success. But if we don the embroidered robe of virtue we shall escape the snares of Laban (Gen. xxxi. 12).

When the sacred Word has cleansed us with the purificatory sprinklings and adorned us with the unspeakable words of true philosophy, it condemns the envious treacherous disposition, and we must not quail who have the hope of God's alliance.

But when it is said I am the God who was seen of thee in the place of God we must ask: "Are there then two Gods," as the phrase suggests? He that is truly God is one, but they who are loosely so called are many. Wherefore the holy Word uses the definite article of him who is truly God, and not of the many. In the present instance it is his most ancient Logos that is called God—not that the writer is superstitious about the application of terms, but because he sets one goal before himself to keep to his system. For no name belongs rightly to the Absolute, who is of a nature to exist simply, not to be described. There is an old legend that the deity at different times visits different cities in human form, seeking out cases of unrighteousness and lawlessness. Perhaps it is not true, but even so it is profitable and expedient that it should be current. And Scripture, though it employs more reverent conceptions

of the Absolute, does at the same time liken God to man, speaking of his face, voice, anger, and so forth, for the profit of the learner. Some are so dull that they cannot conceive of God at all without a body. So it is written, on the one hand, that God is not as a man (Num. xxiii. 19), and, on the other, "the Lord thy God shall school thee as a man might school his son" (Deut. viii. 5). Why then should we wonder if God is made like angels, and sometimes even men, for the assistance of the needy?

Why then, O soul, dost thou still labour in vain? Why dost thou not attend upon the ascetic, that thou mayest learn to wield the weapons that overcome passion and vain opinion? For, perchance, having learned thou shalt be lord of a flock, approved rational and varied. So wilt thou bewail the piteous race of men, and never cease entreating the Godhead. So shalt thou continually glorify God and engrave holy hymns on pillars, that thou mayest not only recount fluently but also sing musically the virtues of him who is. For so shalt thou be able to return to thy father's house and escape the endless storm that rages abroad.

J. H. A. HART.

NOTES ON OLD TESTAMENT HISTORY.

III. JUDGES x. 6—1 SAMUEL viii.

IN the preceding section reference was made to the passage, Judges x. 6 sqq., which is not merely an Introduction to the story of Jephthah, but, by its inclusion of the Philistines (ver. 6 sq.), evidently has in view, also, the Philistine oppression in the days of Eli and Samuel. It commences a period of history which closes with the institution of the Monarchy, and the suggestion was made that in an earlier form it was immediately followed by the account of Saul's defeat of the Philistines and the Ammonites (1 Sam. xi, xiii sq.). The chapters which intervene comprise: (a) an account of the exploits of Samson (Judges xiii-xvi), (b) an Appendix to the book of Judges (xvii-xxi), and (c) narratives dealing with Eli, the guardian of the ark, and Samuel. Of these, the first affects Judah alone: Samson's deeds are neither the sequel to Jephthah's life nor are they the prelude to the work of Eli. Certain features (e.g. the Nazirite vow, family of Moses, mention of the Philistines and Danites) associate this cycle with the chapters that follow, but it must be recognized that, in spite of their extreme interest as examples of popular literature, they can scarcely claim to be considered as historical documents. The Appendix differs markedly from the rest of the book; it does not describe the exploits of any judge, but relates two incidents which were attributed to this age. The literary evidence suggests that it is a later addition to the book. The signs of Deuteronomic redaction which characterize the stories of the judges (ii. 6-xvi. 31) are wanting, and although this does not preclude the possibility that the chapters go back to an old source, the conclusion which the literary phenomena suggest must not be overlooked. Finally, in 1 Sam. i sqq., the whole account of the part played by Samuel must be treated with the greatest care. By the side of the older narratives which tell how Saul delivered the people from their enemies and thence became king, there are chapters which represent a tradition which can only have arisen long after these events occurred. Here we find Samuel, the theocratic head of the people, wielding an authority which makes the institution of a monarchy practically unnecessary. The desire of the people for a king is now regarded as an act of apostasy. That the age demanded a leader,

and that Yahweh himself had selected the man whom Samuel was to anoint, is ignored. To quote from Prof. Kent¹:—

“Very different were the traditions cherished by the later prophets. The figure of an Elijah, an Elisha, or an Isaiah dictating in the name of Jehovah to king and people was on the one hand prominently before them. On the other, the evils of the kingship, as exemplified in the despotic, luxurious and—to their enlightened point of view—apostate reigns of such kings as Solomon and Ahab, were uppermost in their minds. To them the kingship seemed a step not forward from anarchy and oppression, as it actually was, but backward from that ideal theocracy which their imagination had unconsciously projected on the canvas of their early past. All Israel was conceived of as enjoying the benign guidance of the great prophet-judge, Samuel.”

To this representation of history belong 1 Sam. viii, x. 17-25, xii, xv, and xxviii. 3-25, and there is little doubt that there are other passages wherein the tendency to idealize Samuel can already be discerned. That chapter vii, Samuel's great victory over the Philistines, is unhistorical, and appears to be based upon Saul's exploit—which it anticipates—has already been observed, and the entire account of the prophet's birth and consecration has all the appearance of having been superimposed upon the earlier and more trustworthy story of Eli². There is, in fact, much in favour of Prof. H. P. Smith's arguments that the history of Eli and the ark (1 Sam. ii. 12-17, 22-25, 27 sqq., iv. 1-vii. 1) belongs to a distinct narrative which a writer of the life of Samuel has subordinated to his more interesting theme, and this theory will be found to explain both the unexpected omission of the commencement of Eli's life and the failure to narrate the subsequent fortunes of Shiloh and the ark after the return of the latter to Kirjath-jearim.

Whatever may be its historical foundation, the figure of Samuel as it has come down to us is largely the result of later tradition which has read into this great prototype the authority and power of the prophetic figures of subsequent ages. The recognition of this will explain the marked divergences in the narratives. As a legislative

¹ *Israel's Historical and Biographic Narratives* (London, 1905), p. 65; cp. H. P. Smith, *Samuel*, p. xvi; Driver, *Literature of the Old Testament*, pp. 165 sq., &c.

² Kent, p. 51 (see *J. Q. R.*, XVIII, p. 129). In like manner, the story of Samson's birth (Judges xiii) appears to be later than the account of his exploits. Verse 5 represents him as a forerunner of Samuel and Saul, and the chapter gives a different view of the hero of the folk-tales in whose deeds religion or religious motives are lacking.

"judge" his sphere of action is confined to Bethel, Gilgal, Mizpah, and Ramah (vii. 16 sq.), scarcely an extensive district for the theocratic figure which viii, xii, and xv presuppose. Tradition believed that his sons, like those of Eli, were the cause of the people's complaint (viii. 5), but this is not supported by viii. 20 or xii. 12 (see also ver. 2). The narratives into which Samuel enters constitute the most important source for the history of early Israelite history. The old seer stands out like an Elijah or Elisha, and a comparative study of the three only strengthens the impression that tradition has ascribed to Saul's age the prophetic energy which was in full evidence several generations later. It is not until a later age that we again meet with the prophetic guilds of Mt. Ephraim, with seats at Bethel, Jericho, and Gilgal, and it is a striking circumstance that these places are approximately the district associated with Samuel's activity, and that a guild of prophets is specifically mentioned at the unknown Naioth¹. Magic personalities (e.g. the witch at Endor), the conflicts with monarchy, the existence of a special class of *nēbî'im*, the sporadic occurrence of the Nazirite vow—even the employment of music to excite the ecstatic condition, combine to form a picture which points forcibly to a period of an Elijah or Elisha. We cannot doubt that the prophetic associations of that later age had their own traditions, and that they should throw back their history to pre-monarchic days is scarcely a matter for surprise; Benjamin, as we know, became the religious centre of the land, but may we feel sure that it had already obtained this distinction by Saul's time? Accordingly, instead of assuming that these characteristic features of pre-prophetism died out and were revived later in the days of Elijah, or that the silence of the intervening period is accidental, and due to the fragmentary or incomplete character of the narratives which have survived², we may have to conclude that the narratives with which we have been dealing are not to be regarded as evidence either for the religion or for the history of Israel in pre-monarchic days.

The older chapters containing the account of Eli and the ark are among the most valued of records for the early conceptions of the attributes of that sacred object. We are introduced to the sanctuary of Shiloh where the aged priest is no longer able to restrain the

¹ 1 Sam. xix. 18-24. The name perhaps suggests a pastoral encampment, and in spite of its obscurity it is interesting to note that the early prophetism was opposed to civilization, and that the Rechabites were distinguished for their tent-life and general retention of the nomadic ideal.

² W. R. Harper, *Amos and Hosea*, pp. 1-li.

rapacity of his sons. With unusual detail their wickedness is exposed, and a passage (which may be a later insertion) proclaims the punishment that shall befall the priest and his house. Philistine aggression drove the people to arms, and when a defeat led the elders to bring into the field of battle the all-powerful Ark of Yahweh, this appeared to have lost its power, and was captured by the enemy. But no sooner was it in the hands of the Philistines than it showed its former superiority, until in despair they prepared to return it unto its rightful possessors. A further exhibition of its power at Bethshemesh resulted in its being taken to Kirjath-jearim, and there it remained until the days of David. The notice in 1 Sam. ii. 27 sq. makes it certain that in the mind of the writer Eli belonged to the Levites who were elected to the priesthood. The priests of Shiloh were accordingly descended from those to whom Yahweh revealed himself "when they were in Egypt, servants to Pharaoh's house." Now, in the first of the two stories appended to the book of Judges, we hear of a migration of the Danites, of the founding and sacking of some unnamed sanctuary of Mt. Ephraim, and of the establishment of a priesthood at Dan under a grandson of Moses. This continued, it is said, "as long as the house of God was at Shiloh" (xviii. 31). In addition to this reference, there is one especially important passage which requires notice at this juncture. In Num. x. 29-36 there is an account of the departure of the ark; Moses invites Hobab to accompany him, and notwithstanding the refusal as reported, it subsequently appears from Judges i. 16, iv. 11 that a clan of the Kenites or Midianites finally settled in Judah. Commentators have not failed to notice that the attributes of the ark described in Num. loc. cit. find a parallel in the chapters of 1 Sam. under consideration, and one is tempted to believe that the three narratives in question belong to one and the same cycle of traditions. It is true that in the second story of the Appendix, the leading figure is a Levite and Shiloh itself enters somewhat prominently, but the character of the evidence does not appear to allow us to incorporate Judges xix-xxi also in the same series.

It might be conjectured that an old account of the foundation of Shiloh once stood before the story of Eli, and if this were the case, it is intelligible that it would naturally be omitted to avoid the contradiction with the later tradition in the Book of Joshua which would result. As far as the literary evidence is concerned it has to be noticed that the composite story of the migration of the Danites shows comparatively little trace of a post-exilic hand (Judges xvii. 6, xviii. 1, &c.), whereas the narrative of the outrage at Gibeah and the extermination of Benjamin in ch. xx sq. has been considerably re-

cast. There is a possibility, therefore, that the latter was added later, even as it would seem that the story of Ruth was not utilized until a time when it was too late to place it in the literature of the period to which it was ascribed. This assumption would enable us to point to the existence of two distinct series of narratives comprising (*a*) the older portions of Judges xvii sq. (and of xix-xxi ?), (*b*) the story of Eli and of the ark, and to conclude that to (*a*) has been prefixed a cycle of stories relating to a Danite hero, and that with (*b*) has been combined the story of Samuel's youth, thus filling up the period between Jephthah and Saul.

The narratives of Eli and the ark are of a unique type. Not only do we find that the ark has been silently established at Shiloh, but Shiloh has become the centre of worship. It is the seat of a legitimate priesthood whose corruption leads to its undoing. For its sins it falls; it disappears from the pages of history as suddenly as it appears; and, like an oasis in the midst of a desert, presents a striking picture of internal religious life in a period which is placed after the unsettled conditions under the judges and before the rise of Saul. It is, moreover, a period in which the Philistines have been enjoying the upper hand (1 Sam. iv. 9), when conflicts between them and the Israelites were frequent, and when the trend of history would have scarcely prepared us to expect the circumstances which the narratives relate and the conditions they reflect.

What is narrated of the fortunes of the ark among the Philistines seems to belong to some definite nucleus of traditions. Chs. v, vi are intimately associated with iv (the loss of the ark), and it has been assumed that the great defeat of the Hebrews which is implied by the story prepares one for the conditions when Saul arose. We are therefore to suppose that although the Philistines were moved by the power of the ark to the extent that they sent it back to the Israelites, they did not relax their oppressions, and that the lesson which the ark had taught them passed unheeded. But how comes it that the ark which had thus shown its supernatural power suddenly ceased to become the palladium of the tribes? For the character of the ark these chapters are of the utmost value; for its history they raise unanswerable questions. It is not until David's time that it reappears; Saul makes no effort to recover it; Samuel (whose youth had been spent in its shadow) takes no further thought of it. In 1 Sam. the ark takes up its quarters at Kirjath-jearim in the house of Abinadab, and only comes to light again after David had succeeded in taking Jerusalem. Here it is found at Baal-Judah, and after an incident at the threshing-floor of Nachon and a temporary sojourn at the house of Obed-edom it is brought into Jerusalem accompanied by every sign of rejoicing and gladness.

The serious difficulties which these narratives contain have given rise to theories which need not be discussed¹. David's unrestrained enthusiasm at the successful entry of the ark is not without its significance. That it remained in the house of an Obed-edom is suggestive also. Late passages (Joshua xv. 2-11, 1 Chron. xiii. 6), but *not* 2 Sam. vi. 2, identify Kirjath-jearim with Baal-Judah, but there was a Baalah in the south of Judah and a Baalath-beer in the same district; on the other hand, this name is admittedly not confined to the south. When we inquire what light is thrown upon the problem by the earlier history, we have to note first the passage in Num. x. 29-36, to which reference has already been made, where the ark is associated with the journey of the Israelites to Hobab. Another old passage (Deut. x. 8) supports the view that it was borne by the Levites. To presume to fight without the sacred ark was to invite defeat, and on one notable occasion the people brought defeat upon themselves by their foolhardiness (Num. xiv. 44 sq.). But there is a curious gap here to which we must return immediately. It is true that we subsequently meet with the ark at the crossing of the Jordan and at the fall of Jericho (Joshua iii. sq., vi. sq.), but it is unaccountably missing in stories of greater national moment. It is not until the abrupt appearance of the priesthood at Shiloh that it appears again, and finally it is only after another strange silence that David brings it up into Jerusalem with every manifestation of relief.

The account of the defeat in Num. xiv. 41-45 is particularly perplexing. The people were at Kadesh (xiii. 26), and terrified at the report of the spies, planned to return to Egypt. For their unbelief they were punished, and it was decreed that they should wander in the wilderness². Caleb alone was an exception, and for his faith he and his seed were rewarded with the blessing (xiv. 24). North of Kadesh, at a mountain (?in the hill-country), an attempt was made to push into Canaan, but the people were smitten down. Hormah, which is here mentioned, appears elsewhere as the name given to Arad after its capture by the Israelites (xxi. 1-3), whilst in Judges i. 16 sq. it is the name given to Zephath, which Judah and Simeon smote. In the latter passage we meet with the Kenites (ver. 16), and other traditions associate the conquest of the district with the clan Caleb. Thus, Caleb takes Hebron and his brother seizes Kirjath-sepher (Joshua xv. 14-19), whilst elsewhere (Joshua xiv. 6-15) Caleb reminds Joshua of the promise made at Kadesh and asks

¹ Kusters, *Theol. Tijds.* xxvii, 361 sqq. ; Cheyne, *Encyc. Bib.*, s.v. "Ark."

² The details of the different views embodied in J, E, &c. need not be more specifically noticed at this stage.

that he may have the "*mountain* whereof Yahweh spoke" and hopes that he may be able to drive out the giants from its midst. The interest manifested in this clan has surely some significance, and it is not too much to infer that there are distinct traces of what might be called a "Calebite" tradition in the Old Testament. Who, save a Calebite, would write that Yahweh promised to Caleb and his seed the possession of the land? Subsequently, we shall see that Caleb is only one of several closely related clans of the south of Palestine, of the same general stock as the Edomites¹, and if the genealogical lists have any value at all it follows that to these southerners Moses' kin and the Kenites undoubtedly belonged. Further, it is irresistible to avoid the conclusion which other scholars have reached, that after the events at Kadesh some clans actually succeeded in making their way into Judah, and we can readily understand that when these became incorporated with the Israelites, their traditions underwent serious modification. Hence it is intelligible why Caleb should have been enrolled in the genealogy of Judah, and why it is Judah who gives Hebron and Kirjath-sepher to Caleb (Judges i. 10-15, 20); also, why it is Joshua who apportions to Caleb his lot and blesses him (Joshua xiv. 6-15), and why the occupation of Palestine is regarded as the effect of the movements of the tribes from Gilgal (Judges i-ii. 1).

The oldest traditions begin with the commencement of the journey of the ark with tribes related to Moses (Kenites, Calebites, &c.), and they conclude with its triumphal entry under David (2 Sam. vi). Was the ark the portable shrine which these tribes took with them to Jerusalem, even as the Danites were content to take a Levite priest and an ephod in their march upon Laish? Was it taken by David from some South-Judean Baal, and thence after a three-months' residence with Obed-edom², conveyed to the capital? If the scattered indications have any value for this theory, it is evident that some light is thrown upon the traditions of Eli and the ark. It has been remarked that Eli himself was descended from the Levites, and the scribal families were of the Kenites and Calebites of whose cities Kirjath-jearim (1 Sam. vii. 1) was one. Furthermore, tradition knew of a Joshua of Beth-shemesh ("house of the sun"), the inhabitants of which rejoiced to see the ark. The place lay on the borders of Judah and Dan, opposite Zorah; and the name recalls Heres ("sun" Judges i. 35), but its relation to Timnath-heres (the tomb of Joshua) can only be a matter of conjecture.

¹ Cp. Caleb son of Kenaz, and see Gen. xxxvi. 11, 15, 42.

² It is only the Chronicler who makes him a Levite, but that the tradition rests upon a sound basis will be argued later.

The story of the migration of the Danites is familiar and need not be recapitulated. The tribesmen had their seats at Zorah and Eshtaol, and Mahaneh-Dan (perhaps rather Manahath-Dan) seems to preserve some tradition of their presence. The first two places are elsewhere Judaeen, and all three names are associated with the Calebites¹. This is important, not only because of the contiguity of the district with Judah's territory, but also on account of the prominence of the Calebite tradition elsewhere in this cycle of narratives. At the period when the story opens the Danites had no landed possession. Five men, representatives of the clans, were sent out to seek a suitable district, and from the gloss in Judges xviii. 1, we may infer that the only territory not already held by Israel and not too powerful to withstand them lay in the north. Laish in the neighbourhood of Beth-Rehob was found to be free from interference on the part of Phoenicians², and thither in due course six hundred fighting men and their households proceeded. Previously, the five Danites had passed by the sanctuary of Micah the Ephraimite, and had found that the Levite of Bethlehem, who was installed there, was no stranger to them. It is made quite clear that they recognized his voice (so one version), and that they were entitled to ask for an explanation of his presence. The narrative does not explain why this Levite should be known to the Danites, and were it not for the information supplied by the genealogies in 1 Chron. ii. 50 sq. (see below note 1), the question probably could not be answered; but it is possible that the statistical information referred to supplies an obvious clue, and that an intimate relation between Levites of Bethlehem and Danites was intelligible to those who recounted this story³. It is therefore significant that these Danites should request this Levite to consult the divine oracle on their behalf, and that subsequently they should carry off to their new home the priest and the sacred objects which he tended.

The story is one that might well appear to be fit to belong only to the pre-monarchic period, although there is evidence enough that the

¹ The genealogies in 1 Chron. ii. 50 sq. are now usually regarded as post-exilic, but the view is not an easy one. They include among the "sons" of Salma (the "father of Bethlehem") half the Manahathites and the Zorites. The Zorathites and Eshtaolites are connected with the families of Kirjath-jearim whose "father" Shobal is a son of Caleb, and the entire body appears to have been akin to a branch (at least) of the Kenites, and to have numbered among them families of scribes.

² And Aramaeans—if we may read אַרַם for אֲרַם in xviii. 7.

³ It may be noted incidentally that the Levite of Mt. Ephraim in Judges xix when he takes a concubine has one from Beth-lehem.

morality of the proceedings is not characteristic of this age alone. Hosea's scathing denunciations are sufficient to show that bloodshed and rapine were common enough in his days, even among the priests, and it seems open to question whether the Danite migration as described in Judges xvii, xviii really belongs to the particular period to which an editor of the Book of Judges has ascribed it. Do the facts, the conditions implied, and the character of the narrative, as a whole point to a date somewhere after the time of Jephthah and Samson and previous to the days of Saul?

The new home of the Danites¹, in David's time, was a minor Aramaean state (2 Sam. x. 6, 8), mentioned together with Zobah, Maacah (cp. Abel-beth-Maacah) and Tob, and situated apparently to the north of Lake Huleh. We know something of this locality, also, from the story of Joshua's fight with the king of Hazor and his allies (Joshua xi). Read in connexion with one of the two events now combined in Judges iv, it would seem that the tribes (possibly only Issachar and Zebulun) overthrew the northern confederation at the "waters of Merom" and scattered their opponents to Sidon on the west and the valley of Mizpeh on the east. The scene of the defeat appears to have been beyond Lake Huleh, and the "waters of Merom" (cp. "waters" of Megiddo, Jericho, &c.) probably denote some small stream². It is not unlikely that Joshua's great battle in the north is a reflection of a victory gained by David, even as his conquest in the south appears to have been derived from a recollection of one of Saul's achievements. It does not seem plausible to suppose that David conquered a district which had been Israelite and then reconquered by a Hadad-ezer, nor is it likely that the Danites after their migration were swallowed up and became part of an Aramaean state. On the other hand, it may not have been until after David's conquest that there was an opportunity for a tribe to settle in a locality which had become tranquil and peaceful, "secure and unsuspicious of danger"³.

Some of the prominent features of the preceding narratives may now be summarized. In the story of the Danite migration we are in

¹ Laish in the plain belonging to Beth-rehob (Judges xviii. 28).

² See *Encyc. Bib.*, s. v. "Merom."

³ From 2 Sam. xx. 18 (LXX, see Driver, Budde, &c.), it appears that Abel-beth-Maacah and Dan became places famous for the retention of genuine Israelite life. This is improbable, whether we believe that David overcame the Aramaeans of Maacah early or late in his reign (2 Sam. x), but on other grounds it has been argued that the conclusion of Sheba's revolt is due to redaction, and this would remove the present difficulty; see *Amer. Journ. of Sem. Lang.*, 1900, pp. 166 sqq.

a period where the Levites are journeying through Israel to find homes and the Danites themselves are leaving Zorah and Eshtaol for a district in North Israel which probably first became Israelite under David. The sanctuaries at Mt. Ephraim and Dan are possibly regarded with some contempt in so far as the proceeds of stolen property in the one case, and despoiled sacred objects in the other, constitute their origin. In the early chapters in 1 Samuel we have already noticed the sudden appearance of the priesthood of Eli at Shiloh and its equally sudden disappearance. Both Shiloh and Dan were destroyed at the same time (Judges xviii. 31), and Jeremiah's references to the fate of the former (Jer. vii. 12, 14) seem to point to a recent disaster. The same prophet evidently regarded the ark of the covenant as an object of little consequence (iii. 16), although in the course of the growth of tradition the importance of the ark increased. In one of the earliest writings we find it associated with a movement northwards, presumably from Kadesh, and from other evidence it would seem that the result of this journey is to be found in the presence of certain closely-related clans which were subsequently incorporated with Judah. The historical difficulties which are raised by the narratives of the ark in 1 Sam. iv-vi have been mentioned; on the other hand, the tradition embodied in 2 Sam. vi appears to furnish an appropriate conclusion to the history of its migration. Originally the ark was, perhaps, exclusively Judæan, and the contemptuous attitude of Saul's daughter (2 Sam. vi. 16 sqq.) may suggest that it was a strange object to a Benjamite. The passage is certainly obscure, but it is at least unnecessary to suppose that Michal was unaccustomed to exhibitions of religious fervour; probably it was not the form of the cult but the object of it which is to be regarded as the cause of her displeasure.

At this stage we encounter a difficulty which has to be faced, whatever be the point of view from which the history of the Old Testament is studied. The stories of the "Judges" are chiefly concerned with Central Palestine, and Judah and Benjamin enter only slightly into the history of the period. In Judges xvii sq., however, we meet with a Levite from Bethlehem whilst Danites are associated with Zorah and Eshtaol and encamp at Kirjath-jearim. In xix. sqq. a Levite has taken a concubine from Bethlehem, and although Jerusalem is (probably by an archaism) regarded as Jebusite, Gibeah is in the hands of the Benjamites. Again, in 1 Sam. iv there are Israelites at Beth-shemesh and Kirjath-jearim, and the extent to which the district in general enters into the history of Saul need not be recapitulated. Now, from other sources we gain the following important facts: Jebus (Jerusalem) was a strong fortress which was first taken by

David, and there is no reason to suppose that it stood alone. Estates in its neighbourhood were given to David's sons and officers (Joab, Abiathar) and one may regard Jerusalem as the centre of "Jebusite" power. Elsewhere, we learn that Gezer, Mt. Heres, Aijalon and Shaalbim were not Israelite (Judges i. 29, 35), and that Gibeon, Chephirah, Beeroth and Kirjath-jearim formed a confederation of their own (Joshua ix. 17). These places formed a series of independent towns stretching east and west, and until they were taken by the Israelites national union was impossible. The early history of Israel must have been largely determined by these conditions, and it is perhaps too readily assumed that the tradition which they represent is applicable only to the age of the "Judges." We know that Saul entered into a treaty with the Gibeonites, but even David respected their independence, and if the story relates that they became slaves to the "house of Yahweh" (Joshua ix. 27), this would mean that they were reduced to bondage and served in Solomon's temple. Gezer, too, remained Canaanite until Solomon's time, and it seems to follow that the stories in Judges xvii-1 Samuel, which circle around the district in which the above-named places lay, require a more critical study from a historical point of view.

One knows that the account of the conquest reflected in Judges i is at variance with that which characterizes the Book of Joshua. It is agreed by most critics that the latter gives us an unhistorical representation and that subsequent history confirms the *general* impression conveyed by Judges i. A more comprehensive survey of the earlier tradition for the history of the pre-monarchic period seems necessary, and in conjunction with it attention must be drawn to another important feature. In the annals of Solomon it is left to the reader to infer that David had overthrown the Philistine power, and so far the evidence of 2 Sam. viii. 1 appears to be substantiated. But whilst Solomon is said to have subjugated the rest of the Amorites, we hear little enough of the steps taken by Saul and David to overcome the non-Israelite inhabitants of Palestine. The trend of history would lead us to expect that the first two kings continued the work which Judges i proves to have been unfinished, and which Solomon himself completed. So far from this being the case, both Saul and David have to contend with a new enemy, the Philistines, and David's exploits in the vicinity of the Jebusite fortress are not with "Canaanites" or "Amorites" as might have been anticipated, but with Philistines. One may hope that it is not "hypercritical" to find in the Philistines of the books of Judges and Samuel another difficulty. We may accept the evidence of the Egyptian monuments and believe that they entered Palestine before

the twelfth century, and we may provisionally assume with W. M. Müller that whilst they occupied the central sea-board, their allies the Zakkara (Takkara) held Dor and the (Cretan ?) Cherithites settled in South Judah. In a word, we may admit the external evidence which appears to "confirm" the tradition preserved in the Old Testament, and, this being so, we must infer from the literary evidence that the Philistines settled among the Canaanites and became to all intents and purposes "Semitized." To quote from Prof. Moore¹:—

"Of whatever stock and speech the invaders may have been in Palestine they very soon adopted the language of the country; the Philistine names in the Old Testament and the Assyrian inscriptions are . . . almost without exception Semitic—specifically Canaanite. The Philistines worshipped the gods of the country also."

Although they must have mingled with the people and disappeared in it, yet, contrary to expectation, they emerge later and appear as an independent folk, with their own kings and policy. It is perhaps remarkable that these early invaders should have thus arisen again to form a separate state in the eighth century, and a closer study of some of the earlier references only increases the obscurity. After Samuel's defeat of the Philistines it is observed that there was peace between Israel and the *Amorites* (1 Sam. vii. 14). Of the five cities of the Philistines, three were held by the semi-mythical sons of Anak (Joshua xi. 22), giants like some of the Philistine heroes themselves, and it is noteworthy that Caleb drives out from Hebron the Anakim who appear elsewhere as Canaanites (Judges i. 10). The district south of Judah is occupied by Canaanites (Num. xxi. 1-3, Judges i. 17), Amalekites (Num. xiv. 42-45), Amorites (Deut. i. 44), and it is safe to conclude from yet another reference (Gen. xxvi) that the same district could be regarded as Philistine. Literary criticism has resolved some of the difficulties which are caused by these fluctuating usages and one is tempted to go a step further and regard with scepticism the use of the ethnic "Philistine" throughout the earlier history. Is it possible that in some cases the term is characteristic of a literary circle (cp. the use of "Canaanite," "Amorite") and really denotes the non-Israelite inhabitants of Palestine, whilst, in others, tradition has thrown back incidents which rightfully belong to a period a century or two later? On the strength of the Egyptian evidence, it would seem that the actual name is correct, but it does not follow therefore that it was always confined to the descendants of the Purusati who must have become merged with the Canaanites by the time of

¹ *Encyc. Bib.*, s. v. "Philistines," § 12.

Saul ¹. There appears to have been frequent intercourse between the southern sea-coast of Palestine and the lands of the Eastern Mediterranean throughout the whole of the Old Testament period, and it is possible that foreigners, from Greece or Asia Minor, might have been regarded as of the same race as the original Purusati. There are obscure allusions to the Philistines in the days of Nadab (1 Kings xv. 27) and Elah (ib. xvi. 15 sqq.), that dark period in the history of Israel on which the records throw so little light. It was an age when, as the Homeric poems show, there were relations between Palestine and the lands of the Levant, and it will be remembered that later tradition knew of Greek intercourse with Dor and Gaza. The subsequent features of Palestinian archaeology *may* imply that at this time a new settlement arose in Southern Palestine, but most weight must be laid upon the appearance of the separate Philistine states in the eighth century, of which the Assyrian inscriptions have much to tell us. One of the most perplexing phenomena of the eighth century is the picture of the Philistine power which the cuneiform evidence has presented to us, and of the two possibilities: (a) the resurrection of the people with whom Saul and David contended, (b) an invasion of an alien stock (in the time of Nadab and Elah?), the latter seems to deserve further consideration.

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¹ It is even questionable from the Egyptian data whether the Purusati, after the great defeat inflicted upon them by Ramses III, were able to make any considerable impression upon the population of Palestine. Possibly it is only because of the representation in the books of Samuel that the contrary assumption has been made.

(*To be continued.*)

DR. ELIAS SABOT.

DR. ELIAS SABOT (*J. Q. R.*, XVIII, 142), who was summoned from Bologna to England to attend Henry IV, is undoubtedly identical with the famous Dr. Elia di Sabbato (= E. ben Shabthai) on whom the Roman citizenship was conferred in 1405, because of his knowledge of medicine¹. In 1422 was published a Bull of the Pope Martin V in favour of the Jews, and in the translation made in the doctor's name he is called "Elihe Saby, Jew of Wonomia", whence it is clear that this Roman citizen originally came from Bologna². It well agrees with his long stay abroad that it was necessary for him to obtain a special permit in 1420 to enable him to travel from Fermo to Rome³. That the Rev. M. Adler had ground for supposing that Dr. Elias remained true to Judaism is proved, among other evidence, by a letter of the Pope Eugenius IV, successor of Martin V. In this letter, dated 1433, the Roman citizenship and the pension formerly granted is confirmed to the *Jewish* physician⁴. Often spoken of, but not yet sufficiently explained, is the medal which bears the name of his son Benjamin⁵.

D. SIMONSEN.

¹ M. Stern, *Urkundliche Beiträge über die Stellung der Päpste zu den Juden*, pp. 18-22 (nr. 7-8).

² *Ibid.*, p. 36.

³ *Ibid.*, pp. 25-6 (nr. 14).

⁴ *Ibid.*, p. 45 (nr. 37). It need hardly be added that Dr. Elia . . . is adequately described in the works of Berliner and Vogelstein-Rieger on the Jews in Rome. Cf. also the *Jewish Encyclopedia*, V, 130, where Germany is wrongly given as his birthplace.

⁵ See *Jewish Encyclopedia*, II, 631 seq.

CRITICAL NOTICES.

TENDENCIES OF OLD TESTAMENT STUDY.

IN the preceding number of the *Jewish Quarterly Review*, the books which were noticed under the above heading were treated as examples of the kind of work which is carried on year by year in the study of the Old Testament. They were regarded as typical of the gradual progress of Biblical studies which builds upon the foundations laid by former generations and endeavours "to make that better which they left so good." The justice of this criticism of the Old Testament was taken for granted, and it was assumed that even those who have no sympathy with this department of research would at least acknowledge that its exponents were not guilty of unworthy motives. But the recent publication of a little book by Dr. Emil Reich is a rude awakening. It is a particularly unpleasant specimen of uncritical criticism and intemperate attack directed against a method of research which its author describes as being both bankrupt and pernicious. *The Failure of the Higher Criticism of the Bible*¹ is not a serious attempt to refute the study, but an outburst of immoderate language, false imputation, and groundless fabrication. The writer thereof has made so slight an acquaintance with the critical literature that he believes that the Judæan or Yahwist series of writings belong to a "supposed chronicler in Jerusalem, 1400 or 1200 B.C." (p. 62), that critics hold it proved that "Christianity and Judaism are nothing but cribs of what the Babylonians long before possessed," and that "many of the Higher Critics . . . have even gone so far as to deny the existence of Israelite history" (p. 14). That such utter confusion can exist in the mind of a writer who claims a hearing is scarcely intelligible, but is quite on a line with his diatribes against philology, his conviction of the poverty of the Hebrew language, on the authority of—Spinoza!—and his grudging remarks on Egyptology and Assyriology. But at the close of the book he believes that Assyriology is to be the undoing of the literary criticism. "The spade, now so busy in Palestine, will undoubtedly, in the near future, unearth a copy of Genesis in cuneiform script, dating from the thirteenth or twelfth century B. C. By this one find all the theories of the 'Higher

¹ Nisbet & Co.

Critics' propounded in thousands of elaborate works will vanish from literary existence. . . . A copy of Genesis or Exodus in cuneiform script is (*sic*) the lie direct to all the theories of the 'Higher Critics' about the post-Mosaic, 'exilic' or post-exilic origin, i. e. fabrications of the Pentateuch. The lie direct; there can be no doubt about that, not even in the minds of the most benighted of 'Higher Critics'" (p. 186 sq.). A writer who has such confidence will of course liberally support the work of excavation in the East, and will doubtless rely upon the interpretations of those whose philology he condemns. But will he expect to find the book of Genesis complete?

His attitude towards literary evidence and the Pentateuch is astonishing. He gives it as a canon that "those makers of history who have left records have seldom done so with the disinterested motive of informing posterity of the truth" (p. 7). Subsequently, he states that the Pentateuch was written by Moses in the fourteenth or thirteenth century, whilst elsewhere we find that the Bible critics are confronted by a remarkable dilemma: (1) If the Pentateuch "is not or is not essentially a cento, then modern criticism is altogether wrong and futile"; but (2) if it be a cento, or patchwork we cannot go back as far as the real, the original authors, because we possess "a Pentateuch containing versions of compilations from compilations compiled from other compilations from authors, the very last ones of whom only, now long lost, were the original authors" (p. 69). It is scarcely necessary to remark that this is *not* the view of literary critics, and even Klostermann who has compared the Pentateuch to a *Gemeinde-Lesebuch* would hardly endorse a view stated in these terms (p. 67 sq.). Our readers may be able to judge from the foregoing whether Dr. Reich is in any way competent either "to destroy the spell of Higher Criticism," or even to construct the right method of comprehending the Bible—as he modestly attempts (p. vi), and it would be waste of space to deal further with a book whose tone is unpleasant, whose positive results are inconclusive, and whose chief value lies in some interesting remarks upon the Inquisition and upon Alien Immigration. Whether the readers of the *Jewish Quarterly Review*—whatever be their attitude towards literary criticism—would consent to the preposterous insinuation that the "Higher Criticism" has been influenced by anti-semitism (p. 174 sq.), it is at least certain that they would (in harmony with the "Higher Critics" themselves) refuse to agree with the extraordinary conclusions which Dr. Reich has reached regarding the antiquity of monotheism in Arabia (pp. 21-25)¹.

¹ It is possible that Dr. Reich in the course of his lectures became less convinced of the evidence from the Masai. There is no doubt that the

Whilst Dr. Reich came to the conclusion that literary criticism was bankrupt "after having learnt more about Life and Reality by means of extensive travels and varied experience"; a Jewish lawyer has turned to the Biblical problems in order to apply to them "the ordinary methods of legal study¹," and with a somewhat similar result. Like Dr. Emil Reich, Mr. Wiener has convinced himself of the futility and baselessness of the literary criticism, and, in his way, is as guilty of the same faults as the eminent historian to whose oratory we have referred. The "higher critics" do not fear hard knocks, but it is impossible at times to view with patience the exaggerated language, the abuse, and insinuation directed against the study by those who are unacquainted with the canons of good taste. "Word-peddling" and "date-mongering" are terms which Mr. Wiener may apply to critical methods if he so delights, but it is not too much to ask that sincerity and honesty be attributed, also, to those who use them. Mr. Wiener regrets that he has been compelled to resort to "ruthless intellectual weapons" (p. viii), but he has not used them. He has presented an *ex parte* statement, he has posed as a lawyer whose duty it is to conduct his client's case, not as an impartial judge, and his book has all the faults that specious pleading and the desire to overthrow an opponent's case can suggest.

To say that "an exhaustive and impartial scrutiny of evidence is—unless unintelligent word-counting be reckoned such—absolutely unknown" is as gross an error as can be imagined, and is only one of many indications that Mr. Wiener has approached his subject, not as an unprejudiced judge, but as the counsel for one side; not as one who is willing to treat the other party as innocent until he be proved otherwise, but as one who bolsters up a weak case by unscrupulous attack upon his opponent. It will be readily understood that "word-counting" and the like would give our author an unhappy impression, but he should understand that material of this kind is not intended for him, and although it is praiseworthy to examine one or two of the leading works connected with literary criticism, it would have been more to the point had he carefully perused an introductory

antiquity claimed for the African legends is impossible, and both Mr. A. C. Hollis (author of *The Masai: Language and Folklore*) and Mr. A. R. Stegall (*The Record*, Nov. 17, p. 1078) agree that the traditions in question are "merely the result of contact with Christian Missions during the last fifteen years." Their chief interest, accordingly, lies only in the fact that they show how foreign material is adapted to the environment of the borrowers.

¹ Harold M. Wiener, M.A., LL.B. (Nutt, 1904); cp. his article on "The Jewish Attitude towards the Higher Criticism," in *The Churchman*, December, 1905.

handbook or two first. There are many investigations which the ordinary reader cannot be expected to appreciate, and to attack "word-counting" is as intelligent as to accuse archaeologists of devoting all their time to the classification of pottery patterns, and to deny to them an appreciation of the beautiful.

So far as I have examined Mr. Wiener's counter-arguments I cannot find that they are of much assistance. On p. 34 sq. he protests against the interpretation placed upon Exod. x. 21-23: that the Israelites "are living in the midst of the people in Egypt itself." Although he has quoted this from *The Oxford Hexateuch* and refers to its note on ch. vii. 8, he has failed to study that note attentively, else he would have perceived that it continues: "this latter view of their intermingling with the Egyptians lies at the basis of the instructions in iii. 21, and their sequel xi. 2."

Naturally, it is not the counsel for the plaintiff, but the judge who would be fair-minded enough to ask the "unprejudiced observer" to consider whether iii. 21, xi. 1 sqq., do or do not imply that Israel dwelt in the midst of the Egyptians, and whether other passages do not point to their residence apart in Goshen. Mr. Wiener's "unprejudiced observer" can see for himself whether Exod. xii. 13 indicates that they live in such close proximity with Egyptian neighbours that they must carefully distinguish their own houses so that Yahweh may pass over them. As it is, Mr. Wiener does not criticize the note in *The Oxford Hexateuch*, p. 80, where other instances of divergent views are presented, and if he chooses to single out one example and argue that Exod. x. 21-23 *does* refer to Israel in Goshen, it is obvious from the other passages that he must agree that there are traces of the composite origin of the narratives.

On turning over the pages, one is struck by his comment upon Deut. xxiv. 16. The injunction that fathers should not be put to death for the children, &c., is one over which, he observes, great obscurity hung until the code of Hammurabi was discovered, and he remarks:—"If such a practice had ever obtained in Israel, Moses and the prophets would have thundered against it in very different terms to these" (p. 114). He finds from the Babylonian code that the verse was actually aimed at a practice enforced by Babylonian law; and he believes that the prohibition was clearly intended as a safeguard against the possibility of its ever being introduced among the Israelites. But surely the law is not quite so obscure as he seems to imagine. The idea of personal responsibility was one of slow growth, and is strongly insisted upon even as late as Ezekiel's time. So, when it is emphasized that Amaziah did *not* put to death the children of the murderers of his father (2 Kings xiv. 6), it must be

acknowledged that in spite of absence of direct allusion to the custom, the practice must have been familiar. It is questionable whether there is any support for the assumption that Deut. aims at the Babylonian law, and it is important to bear in mind that the *talio* as a general principle was common to both peoples¹.

Mr. Wiener does not succeed in placing before his readers very clearly his views of Deuteronomy. On p. 48 he protests in the usual way against "prophetic re-formulation," "modification," insisting that the critical theory of the date of the book implies that writers have been guilty of what is probably the most heinous offence of which a human being can be guilty. He is of course ignorant of oriental literary methods, and, possibly, has never compared Chronicles or Jubilees with the earlier books. But elsewhere it is found that "Deuteronomy was intended for public reading" (p. 108); and that in Deuteronomy "we look for . . . new laws rendered necessary by the disappearance of Moses, and such institutions as depended mainly or wholly on public opinion" (p. 109). More striking is his remark that "it may perhaps be said that the legal contents of Deuteronomy are determined by its popular character and by the altered circumstances of the time" (ib.). To what "altered circumstances" does Mr. Wiener refer? Of certain laws, he correctly observes that there was not much room for them whilst Moses was at the head of the Israelite organization and, as an example, he cites the establishment of a kingdom (xvii. 14-20), adding: "clearly there was no room for any other king in his lifetime (pp. 111 sq.)." So far from drawing any inference from this, he at once proceeds "so, too, with new law; if any difficulty arose, it was of course taken to Moses." It is quite uncertain whether he means that subsequent laws of post-Mosaic origin were ascribed to Moses, in which case, contrast his views upon "forgery," p. 48, or whether, simply, that the code of Deuteronomy grew up from an original kernel as every fresh difficulty arose. But immediately after this Mr. Wiener continues: "a similar remark applies to the provisions in xviii. 15-22 as to prophets. So long as Moses was alive, he would discriminate between true and false prophets." Upon what grounds does he distinguish between Mosaic and post-Mosaic laws, and how far has he considered the inherent probability that this mass of legislation (Exod.-Deut.) was given to a people who had not yet a settled habitation and a home? Mr. Wiener apparently employs some kind of criticism, but it is not that of the Old Testament critics.

Mr. Wiener's fundamental fault is his inability to realize primitive conditions and to comprehend the position of the Mosaic code as a unit in its relation to Israelite history. His intemperate and

¹ See the writer's *Laws of Moses and the Code of Hammurabi*, p. 274, &c.

hasty judgments upon "higher critics" are, notwithstanding this, inexcusable, and are of a character to prejudice his book as a whole. The book has merits, and it is important to emphasize the necessity of considering carefully the sociological aspect, but it is unfortunate that he insists upon viewing the laws from the highly technical standpoint of modern jurisprudence. A better acquaintance with oriental custom and an appreciation for ancient thought are indispensable adjuncts to the modern critical spirit which Mr. Wiener's special training fosters. It should be added that the book is dedicated "To the memory of all who have lived or died for the Torah." This practically prevents criticism. One has the greatest respect for all that the sentiment involves and one is fully aware that the author is upholding the Torah in defence of those who have been martyrs for the faith. Similarly, Dr. Reich, by subtle ingenuity, denounces literary criticism as an attack upon Christianity. It is much to be desired that those who desire to attack critical studies and who desire criticism should refrain from confusing issues and should elaborate with more precision their own particular standpoint¹. It does not seem unnecessary to remind such writers as these of the words which were written by Robertson Smith, nearly a quarter of a century ago: "it is of the first importance that the reader should realize that Biblical criticism is not the invention of modern scholars but the legitimate interpretation of historical facts²."

The advent into the arena of Biblical studies of men from other fields is welcome provided only that they are well-equipped, and it is with great interest that we notice the work of a member of the Philadelphia bar who has published a discussion of the "leading cases" in the Bible³. "The Bible," writes Mr. Amram, "may or may not have been written in a manner different from other productions of the human understanding, but it is certain that it has value only if studied by the rational and critical method that is applied to all other historical documents and records." Now, the Bible has rarely been studied by lawyers, and whether or not this be (as the author suggests) because men who love freedom in thought and in expression have revolted from the influence of dogmatic religion, it is a hopeful

¹ Mr. Wiener is acquainted with the Code of Hammurabi and is aware of its parallels with the Mosaic legislation (p. 115 sq.), but, so far as I have noticed, he does not indicate to what extent (if at all) it bears upon the ordinary view of the Divine origin of the Pentateuchal laws through Moses.

² *The Old Test. in the Jewish Church*, first ed., 1881, *Preface*.

³ *Leading Cases in the Bible*, by D. W. Amram, M.A., LL.B., member of the Philadelphia Bar. (Philadelphia: J. H. Greenstone.)

sign that they should bring their own special studies to bear upon the literature of the Old Testament. "In these records," he observes, "many stages of civilization have left memorials of their painful progress in religion, in morals and in law," and whilst an appreciation of literary criticism helps to the better understanding of the growth of this progress it is essential that the principles of sociology and comparative custom should be enlisted in order that the study of the literary evidence and of the culture should go hand in hand. It is only by a cordial and tolerant co-operation that such a study can be pursued, and it ought to be possible to arrive at a common understanding regarding essential points. Mr. Amram utters a truism when he says that "the discretion necessary for the proper writing of history can never be realized . . . by the 'higher' critic, armed with knowledge of philology, but ignorant of economics and law," but upon what grounds does he base his remark? Is it that so many of the Old Testament critics are very properly Hebraists, or has he failed to realize that philology and textual criticism must lie at the bottom of every attempt to interpret ancient documents?

Recommending to our readers a careful perusal of the Introduction (pp. 1-18), as a useful antidote to Mr. Wiener's personal views, we may notice at random some of the more interesting points dealt with by the legal critic. As regards the judge and his court, emphasis is laid upon the primitive representation of the former in the story of Adam and Eve as contrasted with the highly developed picture in Job i. sq. where the court of Heaven is fashioned like that of a king, and affords an unpleasant picture of the prosecutor or inquisitor (Satan) which is scarcely Jewish. To the popular mind, the great judge is he whose methods are direct, swift and striking as in Solomon's judgment (p. 160). Despotism whether of the patriarchal chief, judge or king finds frequent illustration, although it is remarked that even in the case of Naboth's vineyard everything is done according to the strict form of the law: popular tradition and forms of procedure could not be violated even by a Jezebel (p. 172). As regards Solomon's treatment of Joab, the only legal justification is to be found in the fact that the latter had previously been guilty of wilful murder and therefore could not enjoy the benefit of sanctuary (p. 154 sq.). It may be remarked that Mr. Amram does not concern himself with the credibility of the narrative. He regards Adonijah as guilty of a fatal diplomatic blunder in asking for Abishag, recognizing quite correctly that the people would have seen in such a marriage a confirmation of his claims, but is it likely that one who was conversant with intrigue would so wilfully invite destruction? The death of Joab may find justification in Solomon's words, but the

murder of Abner and Amasa was an old offence and at this stage in Hebrew custom it would rest with the relatives of the murdered men to exact vengeance.

Examples of cross-examination are discussed in the stories of Adam and Eve, and Cain and Abel. Sales could be effected without witnesses and the oath was a sufficient guarantee (p. 60); thus, Esau recognized the validity of the sale of his birthright, and it was not until a later date that laws of general equity came into existence (Lev. xxv. 14). In the matter of Isaac's blessing, it is pointed out that intention was not essential; the formal act, however induced, was binding and irrevocable: "The notion that a formal act may be nullified on grounds of fraud or mistake is comparatively late in the history of jurisprudence." In the conflict between Cain the agriculturist and Abel the herdsman, a great sociological truth is recognized: the supplanting of pastoral groups by agriculturists (p. 36); whilst in the sale of Esau's birthright we are to see the growing superiority of the herdsman over the huntsman, and of the Israelites over the Edomites. Theft, as instanced in the story of Laban and Jacob, had to be proved by finding the stolen article in the possession of the thief, and the complainant had right of search and free access (p. 81) ¹.

The same narrative illustrates the law of the shepherd, and shows how much harder the custom was than the laws (Exod. xxii. 10-13). Blasphemy among primitive peoples is an offence for the gods themselves to avenge, and in the story of Achan the guilty one is discovered by casting lots and (evidently an advance upon early ideas) a confession is extorted. In Judges vi (p. 92 sq.) Joash contends that Baal should plead his own cause, although with the transition from primitive conditions to the feeling of national consciousness, the citizens feel that an offence against their god is one affecting themselves. Offences against God and the king are illustrated in the story of Naboth and Ahab and in the trial of Jeremiah, and in the latter it is instructive to notice the importance laid upon precedents. As regards the conveyance of land, the simplicity of Gen. xxiii. 1-20 stands in marked contrast with Jer. xxxii. 6-15 which is clearly influenced by Babylonian usage; but primitive dealings are not in themselves any criterion for the date of the former, the usage in the book of Ruth is equally simple, and elementary forms of transacting business (the clasping of hands, &c.) persisted down to late times. Considerable emphasis is laid upon the inalienable character of land

¹ The latter statement finds an interesting illustration in Babylonian usage; see the present writer's *Laws of Moses, &c.*, p. 218.

and the topic is one that appears to deserve fuller treatment and upon more critical lines than those upon which Mr. Amram has proceeded.

Finally, the position of women is particularly instructive. Eve, after all, was merely an accessory in the story of the Fall; Adam was the only law-breaker and the serpent was at the most morally responsible (p. 25). But Eve's punishment was excessive from the legal point of view, and Mr. Amram finds in this an indication of the low status of women. Their subordinate position is indicated further in the story of Laban and Jacob, although there it is implied that the daughters ought to share in the father's estate. The father's authority over the married daughters is especially noticeable, as also is the circumstance that the father apparently had the right of taking the daughter from her husband. In the case of Jephthah's daughter, the power of the parent stands out clearly; he had sole authority, which in later days as the members of the family acquired a definite status was considerably curtailed. The unique narrative of Zelophehad's daughters is an example of "the reopening of the case upon the petition of the defendants." The institution of a fully established court is significant, and Mr. Amram ventures upon the suggestion that some traditional right of females to inherit may have persisted in the tribe of Manasseh. This is interesting, because it is very possible that east of the Jordan there were divergent customs; and, besides, the status of women may have varied in different communities. The whole subject of the family in ancient Israel is of intense interest, and Mr. Amram in his instructive essays raises questions which can hardly be discussed within the limits of a review.

This topic forms the motive of a study by R. Louis-Germain Lévy¹ who undertakes a careful investigation of the Old Testament evidence and recent literature. It is a careful piece of work marked by thoroughness and width of learning, and may be recommended for its comprehensive survey of the whole question. The author decides against totemism and ancestral worship, and finds that "le culte de la puissance fécondante et génératrice a joué un rôle de premier ordre dans les croyances des Hébreux" (p. 271). He concludes that there are no serious grounds in favour of an original matriarchy, and argues strongly in favour of the presence of patriarchy from the most remote period. Exogamy and endogamy coexist, but M. Lévy holds that the latter was the more usual. The evolution of the family appears in the various stages of blood-revenge, and—in the author's opinion—in the steady improvement of the status of women, and the growth of monogamy. Promiscuity comes under the

¹ *La Famille dans l'Antiquité Israélite* (Alcan, Paris).

ban of the law, and feelings of morality give the impulse to the ever increasingly strict legislation. Thus the family in ancient Israel improves in notions of right, equality and benevolence, and forms a school of respect, purity, and reciprocal devotion which unites the respective members of its generations (p. 276). Altogether, the Rabbi of Dijon's manual is a useful contribution to Hebrew sociology for the wealth of his material and the abundance of his resources. It is admittedly based upon the results of literary criticism, for, as the writer candidly admits :—

“On ne saurait se former une idée exacte du développement de la civilisation israélite, si l'on ignore ou l'on méconnaît la nature, l'origine, la composition, l'histoire des écrits bibliques qui constituent notre plus importante source d'information ” (p. 5).

It will doubtless be agreed that whatever may be the arguments of those who are opposed to literary criticism, it is rather significant that those who apply themselves to questions of scientific research in Old Testament subjects find themselves compelled to adopt the standpoint of “moderate criticism.”

The question of the family figures prominently in yet another book, this time only as far as external points of detail are concerned. In an elaborate and painstaking work B. Jacob¹ discusses the evidence in the Pentateuch regarding the arrangement of family and genealogical lists, and, extending his field, investigates the chronology, the narratives of the tabernacle, the festivals and the sacrifices. It would be quite impossible to do justice to this interesting book in the space at our disposal ; it must suffice to state that Jacob's studies should be read carefully and with critical judgment, and if the results at which he has arrived stand the test of time, he is to be complimented upon a piece of constructive work which explains many intricate difficulties. To put it briefly, these studies are concerned with those portions of Old Testament tradition which critical opinion regards as unhistorical and seeking to discover the underlying principles, they aim at ascertaining the motives which influenced the tradition, and endeavour to explain the origin of details which have often been treated as the fruit of the imagination or as artificial invention. “Higher” and other critics have questioned the great age of Methuselah, but few (if any) have ever troubled to seek the origin of the number chosen ; the results of the census-taking in the wilderness have been rejected, but no satisfactory explanation has been offered of the way in which the number of each tribe has been reached. And herein lies the value of Jacob's work, since it is obvious that

¹ *Der Pentateuch : exegetisch-kritische Forschungen* (Leipzig : Veit & Co.).

however unhistorical a tradition may be, it is important to know how it has risen, and to ascertain whether or no the explanation can be associated with other similar phenomena.

To take one of Jacob's conclusions. Many readers are aware of the extremely artificial appearance of many of the date-evidences in the Old Testament chronology. For example, it is 480 years from the Exodus to the founding of the Temple at Jerusalem, and it is also 480 years thence to the Return from the Exile. From a careful study of the Biblical tradition, Jacob finds that by working back 480 years before the Exodus he reaches the time of Peleg. Now, in Peleg's days "the earth was divided" (Gen. x. 25). Is this a mere play upon the name? Jacob prefers to see in it an allusion to the Tower of Babel, which was probably built, according to the tradition, 480 years before the temple of Solomon. This date would be A.M. 1974. Exactly half this number, or A.M. 987, turns out to be the year of Enoch's translation. Thus Jacob lays his finger upon a definite chronological scheme according to which man's first attempt to reach the heavens (Gen. xi. 4) occurred in A.M. 1974, 480 years later came the institution of the tabernacle, and after another 480 the founding of the temple at Jerusalem. Again, Adam died at the age of 930—the "thousand years" of the Psalmist (Ps. xc. 4) less the proverbial 70 (ib. ver. 10), and David's date (A.M. 2930) is exactly 2000 years later. The question then arises, when did this scheme originate? Here, the author observes that of the 480 years from Solomon to the Return, 50 are taken up with the Exile itself. In agreement with this, 50 years of the earlier period elapse between the building of the tower of Babel and Abraham's departure from Haran; the result is no mere coincidence. So far from believing that the *whole* chronology is artificial, Jacob thinks that the era actually started with Solomon's temple, and that the scheme has been worked backwards, with, of course, the obvious inference that the Mosaic authorship of the Pentateuch becomes impossible (p. 127).

When he turns to the form of the genealogies he finds more specimens of artificial treatment. The enumerations of the tribal divisions according to the wives and concubines of the patriarchal ancestor are mere modelling, and Jacob certainly makes out a strong case for the "streng arithmetisch" scheme upon which they are based. In view of the numerous attempts which have been made to discover some rational explanation of the allotment of some of the tribes to the wives and of others to the concubines, his conclusion is important. He analyses carefully all the lists in the Pentateuch and notes, by the way, that the seventy Israelite clans (Gen. xlii) begin with חֲנֹךְ and end with שָׁלֹם! The favourite numbers are 12 and

70, whereas in the chronology 1000, 100, and 30 seem to have been in greatest demand¹. When he comes to the census of the Israelites (Num. i-iii, xxvi), he observes the same artificial principles at work and obtains a more consistent explanation of the numbers than that recently put forth by Prof. Petrie². The Egyptologist, after observing that Sinai could probably have held only some 4,000 to 7,000 people, examined the traditional numbers and discovered that (a) there was no exact thousand, (b) no 100, 800, or 900, and (c) more than half the hundreds fell on 400 or 500. He then noticed that the chances against such a result were more than a thousand to one and that there was evidently some strong selective influence on the hundreds apart from the thousands. Thence he concluded that the hundreds of the census-lists had an independent origin apart from the thousands, and that the word for *thousands* had been misunderstood, and meant *families*, so that Judah's 74,600, for example, was originally seventy-four families (amounting to) 600 persons. Without pursuing Prof. Petrie's speculations any further, we may refer readers to Jacob's argument that the numbers have been reached in accordance with principles which recur again and again. They are no mere isolated peculiarity, but, in his opinion, are in perfect harmony with methods which he abundantly illustrates. There is no example of 100, 800, or 900 simply because when the writers proposed to divide a given number into two they preferred neither to halve it exactly nor to give extremes. Hence, in the case of 10, for example, their result would usually be 6+4, 7+3; rarely 8+2 or 9+1. This is not the place to deal more fully with the rival explanations, neither of which pay enough attention to critical results, nor is it possible to ignore the fact that Jacob, though ingenious is uncritical, and notwithstanding the force of much of his evidence, has undoubtedly attempted to make his system too comprehensive.

The general conclusion at which Jacob arrives is that the traditions are unhistorical; it is not history but pure arithmetic which accounts for the present form of the genealogical and chronological details, and he is led to the inference that the comparatively simple system which he has discovered implies a literary unity which would be impossible were the writings the work of different authors. It will be admitted that this is a curious result: the purity of the Massoretic text is maintained, historical criticism is shown to be justified, whilst the literary criticism is held to be baseless. But Jacob's paradoxical deductions are not convincing, and one feels that here he has gone beyond his evidence. He points, for example, to the varying use of

¹ Whence $480 = 3 \times 130 + 3 \times 30$.

² *The Expositor*, Aug. 1905, pp. 148-152.

יֵלֶךְ and הוֹלִיד (characteristic, according to "literary" criticism, of the Yahwist and Priestly Code respectively), and argues that both forms occur in narratives which are marked by his system, and cannot, therefore, belong to different authors. Notwithstanding this, Jacob's own explanation of the usage is significant, for he finds that הוֹלִיד is used in the statistical genealogies whereas יֵלֶךְ is summary and less definite. The latter is employed in the collateral lines, whilst the former runs through the principal line of figures (Adam, Seth, Noah, &c.), whose history is the main theme of the book of Genesis (p. 62). This conclusion, it will be observed, ignores the possibility that the appearance of unity could be the result of the final redaction of the Pentateuch (or rather Hexateuch), and when the evidence is studied in the light of the rest of the Old Testament it becomes more probable that, although earlier writers occasionally were interested in recording genealogies, the fondness for statistical information attained its height during the exilic and the post-exilic period.

There is, further, another conclusion which, considering the circumstances, is very remarkable. Jacob believes that the tabernacle never existed in the wilderness in the form in which it is described in the Pentateuch. It is not a historically true picture but an ideal, and the aim of the writers was not to construct a picture of the most beautiful sanctuary that fancy could conceive, but to give expression to certain religious beliefs. The earthly tabernacle was only a copy of a heavenly original (cp. Exod. xxv. 9-40, xxvi. 30), and it is the result of a general system which (according to Jacob) pervades the genealogical and chronological methods, and underlies the details of cult and ritual. The "key" to the Pentateuch is the recognition of the fact that everything that is on earth has its prototype in heaven. The whole theory is thus summed up in a sentence (p. 404):

"Alles, was auf Erden geschehen ist, besteht und getan werden soll, unterliegt in Zahl und Mass sich ausprägenden Gesetzen, die schliesslich auf himmlische Ordnungen zurückgehen."

Those who have observed the trend of biblical criticism among a certain school of Old Testament critics will not fail to be struck by this conclusion. Jacob, relying upon the Hebrew tradition (the Old Testament, Mishna, &c.), has arrived at a cosmos-theory of the same character as that which has recently attained considerable prominence in the writings of Hugo Winckler. And it is also at least curious that Clermont-Ganneau, quite independently and innocently, found himself obliged to suggest a cosmological interpretation of an obscure Phoenician inscription found at Sidon within the last few years. The cosmos-theory in its present form may not be considered

attractive, but it will be patent, I think, that when three distinct lines of evidence appear to converge in such an unexpected manner, it must not be viewed as a mere individual fleeting phase of criticism, but as one that deserves more serious consideration¹.

Winckler's theory² has found several adherents in Germany, one of whom, Dr. Alfred Jeremias, is the author of two useful works on the Babylonian elements in the Bible³. In the larger of the two, the author publishes a series of studies on "das altorientalische Weltbild," the Babylonian Pantheon, Cosmologies, Paradise, Deluge-myths, Pre-Israelite Canaan, &c., with a number of more or less isolated glosses on passages upon which Assyriology throws helpful light. As a whole, it comes somewhere between Schrader's *Cuneiform Inscriptions and the Old Testament* and the new edition of that work by Winckler and Zimmern. Without the philological wealth of the former and the abundance of technical matter of the latter, it is a somewhat popular, although extremely helpful production which fully deserves the subtitle it bears. It is one of the best of its kind that we have seen, it is judiciously illustrated, and should strengthen the reputation which its author already possesses in Assyriology. He has managed to incorporate a great deal of really valuable material in a concise form, and many will doubtless find this comparatively small book more practicable and intelligible than the latter of the works with which it has been compared. His slighter study on the New Testament is equally suggestive, and is not confined to that book alone. For the purpose of his argument he goes afield to Rabbinical lore, and incidentally succeeds in illustrating, in a most interesting way, the development of thought of the period. It is a singularly notable contribution to the New Testament age from a particular point of view, and is suggestive and stimulative throughout. The student of comparative religion cannot fail to be grateful to Dr. Jeremias for the evidence he has collected.

¹ B. Jacob observes in the preface (p. iv): "In dieser formalen Ausprägung wird man eine gewisse Verwandtschaft mit der 'Weltanschauung' erkennen, die besonders H. Winckler mit Nachdruck für Babylonien, alsdann aber auch für die ganze alte Welt in Anspruch nimmt: die Anschauung, dass alles Irdische ein Abbild vom Himmlischen ist und sein soll. Indessen habe ich mir alle Vergleichen bis auf wenige Ausblicke grundsätzlich versagt, weil zunächst noch genug zu tun ist, erst einmal den Pentateuch an sich selbst zu verstehen."

² For an account of it in English, reference may be made to his article "Sinai and Horeb" in the *Encyclopaedia Biblica*, vol. IV.

³ *Das Alte Testament im Licht des alten Orients—Handbuch zur biblisch-orientalischen Altertumskunde* (Leipzig, 1904). *Babylonisches im Neuen Testament* (Leipzig, 1905).

It is impossible not to feel that a powerful tendency is at work which is lifting the study of the Bible out of the somewhat narrow grooves in which it has been pursued. The research of the last few decades has shown that Palestine was no oasis in the desert of the ancient world, and that its inhabitants can no longer occupy the isolated position which they once seemed to hold. Excavation and the monuments have revealed to a remarkable extent the height of the civilization which at one period or another its neighbours reached. To understand our Bible aright it is not enough to know its language, it is not even enough to seek to know its people; we must ascertain the influences by which it was surrounded, and endeavour to calculate each stage of contemporary human development. At present, as every one is aware, comparatively little has been done in research among the "tells" of Palestine, and as the years advance, this will become increasingly difficult. There is still a fine field for study among the present natives, but as their old-world ways die out through contact with modern life, the chance of recovering a record of their thought becomes less. But with all this, the literary records survive and will neither diminish nor increase, and since these constitute, as it were, the letterpress to the illustrations of archaeology, there is more urgent need for the consistent application of critical methods throughout. Obviously a study which is concerned with the fruit of human thought is intensely complicated, and it is only by a liberal recognition of the importance of kindred studies that one may hope to make advances in the future. Disconcerting though the entrance of experts from other fields into Biblical study may sometimes appear, it should be recognized that the Bible has other than purely theological interests and appeals to others than theologians.

For the present purpose, it is sufficient to indicate the very increased interest which is taken in the Old Testament from the Assyriological point of view, and although this is not the place to deal at length with the particular tendency to which reference has already been made, some remarks of a purely provisional nature may perhaps be allowed. The question, it must be noticed, will become ever more critical as fresh points of relation between Old Testament and Babylonian thought are admitted. On archaeological grounds, it would probably be considered that Babylonian influence in Palestine has been proved by the evidence of the Amarna Tablets, &c., and, if Jacob's theory were accepted in its entirety, it might be maintained—also on archaeological grounds—that literary criticism was shipwrecked and the hypothesis of post-exilic literary activity overthrown. Such statements would have to be treated with the greatest caution,

and, to judge from the experience of the past, the legitimacy of the inferences from the evidence would need careful consideration. It is a common mistake at the present day to make a false application of correct principles, to build unsound arguments upon perfectly sound facts, and it would be necessary, therefore, to guard against a repetition of the same faults. There are certain results of literary criticism which no archaeological or monumental discovery could disprove.

One of the most obvious objections to the cosmological theory that at once suggests itself is the fact that, viewed from Jacob's standpoint, it breaks the continuity of the development of thought in ancient Israel. The belief that the earthly temple was only a copy of a heavenly one, as also the entire system of which this forms only part, Jacob regards as early, whereas a consideration of his arguments from the literary-critical standpoint would lead to the inference that the whole is, in its present form, post-exilic. And if it is admitted that the cosmos-theory in some form or other influenced Israel at this later period, it is a perfectly natural step thence to the fundamental view that underlies the Book of Jubilees. The tendency of this book is to give expression to the view that, just as the tabernacle had its heavenly prototype, so "the various elements of the law, which were established in the course of tradition, were likewise copies of divine originals engraven on the heavenly tables¹." It seems to follow, therefore, that any critical consideration of the cosmos-theory must take into account the subsequent development of Jewish thought outside the Old Testament, with the object of determining whether the general trend of the evidence presupposes an early—or what appears more natural—a late date for its spread in Israel. Further, the source of the system being Babylonian, it is obvious that apart from the Old Testament evidence there is much that must first be assured from the Assyriological side, in particular the dates of the tablets which appear to support the new theory. And, finally, one may express one's distrust of all comprehensive systems which are claimed, or which, viewed superficially, appear to be keys to the understanding of the Old Testament. Systems of historical interpretation are as fallacious and one-sided as systems of history-writings, they are exaggerated and obscure the broader issues, and have their chief value in the fact that by viewing history in a special light they may succeed in elucidating a series of hitherto unintelligible facts. Each "key" shows us one way, often an isolated, impossible or unattractive way; what is wanted is the all-round view, in perspective, which takes in everything with a due proportion.

¹ R. H. Charles, *The Book of Jubilees*, p. xlix.

So far as the Old Testament is concerned, the object of criticism is to do for the history of Israel what Lorenzo Valla, Glareanus, Pouilly, Niebuhr and a host of others have done for the history of Greece and Rome. By the application of scientific principles of historical research, such as are elsewhere employed, the aim must be to construct a "moderate" platform upon which Biblical students can meet. In so far as this criticism has not commanded unanimous assent, the study in its broader aspects is still in the pioneering stage, and, quite apart from theological considerations, may long continue in this stage, owing to the character of the field and to the many difficulties of the subject. For this object, for the attainment of truth, one cannot too much emphasize the fact that the wider the horizon of the Biblical student the better may he hope to view his subject in a true perspective, and the more real will be his comprehension of the progress of history. As Niebuhr has well put it: "history is, of all kinds of knowledge, the one which tends most decidedly to produce belief in Providence¹."

Among the pioneer studies which all students, whether of the Old Testament, of ancient history, or of archaeology, must follow with keenness, Assyriology occupies the foremost place, and two works call for notice in the present article. The reproach has sometimes been made that the critics of the Old Testament have not given sufficient heed to Assyriological claims, and, if the accusation be true, it can be answered. For Assyriology has only recently "come of age," and critics accustomed to subject their evidence to the most rigorous scrutiny have had good reason for regarding some of its results in the past with caution. Much harm has been done by the hasty publication of evidence interesting to the Biblical student, and even more mischief has been caused by the unscientific use of its results, by illegitimate inferences and by uncritical arguments. To this the present writer hopes to return elsewhere. But it is a pleasure to mark the really sound progress which is now being made in the study as a whole, and to express the hope that there may be found Jewish students willing to enter a field of research which has a peculiar interest for those trained in Talmudic studies².

It is not too late to refer to Prof. Jensen's comprehensive volume on Assyrian and Babylonian myths and epics which appeared in

¹ The citation is taken from Prof. Flint's *History of the Philosophy of History*, p. 226.

² Hermann Pick, *Assyrisches und Talmudisches* (Berlin, 1903) is an example of what can be done upon a much neglected field. Cp. F. Perles, "Babylonian and Talmudic Glosses," *Orient. Lit.-Zeit.*, Aug. and Sept., 1905.

Schrader's Library of Cuneiform Inscriptions¹. Five years have elapsed since its publication, and a second volume, on the religious texts, is eagerly awaited from the pen of the great Assyriologist. It forms the most characteristic and notable contribution in Schrader's ever invaluable series, and by its painstaking accuracy and brilliancy of method has been an immense boon to linguistic research in this particular field. The "Assyrian Library" itself, like its editor's *Cuneiform Inscriptions and the Old Testament*, has had a very great share in increasing the intelligent interest awakened by the more sensational episodes, e. g. the discovery of a Deluge-legend or a Creation-myth, and by printing the text in transliteration by the side of the translation made it possible for Semitic students to obtain some acquaintance with the newly recovered language. The historical, legal, and commercial inscriptions which appear in the first five volumes have their own value, although the general progress in Assyriology has already made it necessary to treat their translation with some circumspection. The present volume is in many respects the most important of all, since it brings us more closely to the minds of the people. It contains nearly 600 pages, of which no fewer than 288 are taken up with critical notes upon the texts. The latter comprise such well-known myths as the Creation-myths, the Gilgameš (Nimrod) epic, the descent of Ištar into Hades, the story of Adapa and the south wind, and the Etana myths; among those which are perhaps less familiar are the myths of Zu, and of Nergal and Ereškigal. The bearing of some of these upon the Old Testament is already known to most readers; the suggestions that the wise Ethan is identical with Etana, or that the story of Job was derived from that of the Babylonian hero Ea-bani, may be cited as instances of the stimulus to Biblical study which this class of literature has afforded. As specimens of ancient Babylonian lore they necessarily interest a wider circle of students, and one is indebted to Prof. Jensen for the new translation backed up as it is by an exceptionally complete commentary.

The notes are exceptionally elaborate and form a philological commentary upon the text. Many of them are valuable for Aramaic or Hebrew, and not a few are of more general interest, e. g. geographical (p. 382 sq.), archaeological (pp. 372 sq., 400 sq.), &c. Among the more suggestive are Prof. Jensen's notes on the contents and aim of the Gilgameš epic, wherein he compares the journey of the Babylonian with the travels of Odysseus. Reference may be made to the comparison between the "host of Anu" (a star) and the Hebrew title

¹ *Keilinschriftliche Bibliothek*, vi. I. "Assyrisch-babylonische Mythen und Epen" (Reuther & Reichard, Berlin).

יְהוָה צְבָאוֹת; the stars, according to old Hebrew belief, were warriors (p. 431). In another place he throws light upon the tradition of the Tree of Life (p. 441 sq., see p. 573). Again, he brings into association with Babylonia the connexion between the *Sabîtu* and the Sibyl Σαμβήθη, which Zimmern had already noticed¹. Apropos of the Babylonian ark, he draws attention to the tablet discussed by Mr. Johns (*Assyrian Deeds*, II, no. 777), wherein are given its measurements and the names of the animals which Ut(= Ūm?)-naphištîm took in with him (pp. 487, 491 sq.). Perhaps the most interesting of all the many valuable details hidden in these learned notes—a full index is earnestly required—is the suggested identification of the name of Abdi-kheba with עֲבֶרְיָהוּ (p. 578). That a fifteenth-century king of Jerusalem, with whom the Amarna Tablets have made us so familiar, should have borne a name which pointed him out as the “servant of Yahweh” is extremely novel. On the other hand, Prof. W. M. Müller would recognize in *Ba-ti-ya* (List of Thotmes III, no. 97) a “house of Yah[weh],” and one may venture to doubt whether the Divine name would have been thus varyingly rendered. Abi-milkhi of Tyre, in one of the Amarna letters, writes “if my lord, the king, says to me ‘Be (*ku-na*, i. e. כֹּן) at the disposal of my deputy,’ the servant says to his lord ‘I will’ (*ia-a-ia-ia*, i. e. אֵהִי).” One would imagine from this that a more obvious transcription of Yahweh than *khîba* could have been found by the scribe².

Prof. Jensen’s work incorporates all that can be said upon the interpretation of the inscriptions which he translates, and he has expressed himself throughout with caution and reserve. By the discovery and publication of fresh texts there is always the hope in Assyriology, more than in most studies, that the future may dispel the obscurities of the present, and scarcely a month passes that does not see the record of some fresh advance. The linguistic problems must still continue to occupy the premier place, although fortunately there are many important texts where the practical unanimity of the Assyriologists is a guarantee that they can safely be used for religion, history, and sociology. Of the utility of special monographs, the *Leipziger Semitische Studien* afford excellent examples. J. Hunger’s discussion of Babylonian hydromancy and S. Daiches’ Old Babylonian

¹ Jensen, p. 470; this is associated with the parallels between the epic and the voyage of Odysseus; cp. pp. 507, 576, 579.

² Prof. Sayce has argued that *khîba* is the “Hittite” deity, and it might be conjectured that *khîba* was the “Hittite” way of spelling יְהוָה. A glance at the character of the Canaanite glosses (nos. 179–181), however, makes this extremely unlikely; where necessary the scribe could reproduce “Canaanitisms” with comparative faithfulness.

legal documents of the Hammurabi dynasty are valuable contributions each in its special department, and the latter in particular has brought welcome evidence to bear upon the interpretation of Hammurabi's now famous code of laws. Josef Böllenrücher's *Gebete und Hymnen an Nergal* exemplifies the type of study invaluable for the reconstruction of Babylonian religion, and since Nergal was associated with Kuthah, whose inhabitants Sargon settled in Samaria (722 B. C.), the pamphlet is far from being without Old Testament interest. The inscriptions reveal the god's numerous and diverse attributes: he is the god of the burning sun and fever, the ruler of Sheol, patron of the battle and the chase, Mars was sacred to him, and in one form or another he incorporated the Moon and the Zodiacal Twins. His association with the under-world is regarded as having arisen from the circumstance that near Kuthah was the necropolis of Babylonia¹. The hymns which are brought together and elucidated illustrate the character of the god and raise several interesting mythological problems, and needless to say, immediately myths or any other product of human thought come into consideration the study of comparative custom claims a hearing.

We approach a comprehensive subject, one, however, with which the Old Testament student must be in touch. One cannot neglect the evidence of anthropology, the accumulating evidence of the cults, myths, and ritual of the human race which frequently illustrate or even explain obscure allusions in Hebrew literature. The comparative method has the merit of suggesting the explanation of the rise or the progress of forms of thought, and if due care be exercised it is legitimate to associate for this purpose the most widely severed races. The parallels or analogies which frequently prove so helpful are far from being necessarily due to a relationship or connexion in historical or prehistoric times, but arise from the identity in the mental construction in the individual. One is forced to recognize that the human mind, like the external world, is in subjection to inflexible laws, and continued research has shown that there is a striking similarity in the structural development of precisely those phenomena which man imagines himself most easily able to control. It has been forcibly stated, and there is truth in the observation, "we do not think, thinking merely goes on within us."

But this is a study where similar conditions *may* give birth to different results, and where similar features *can* arise from dissimilar causes; the phenomena are complex, and speculative generalization seems premature. When handled with caution the evidence may

¹ That later views identified him with the cock (*Sanhed.*, 63 b) is in agreement with Nergal's solar and chthonic character.

enable us to arrange facts in their proper order, they can scarcely under any circumstance be used as "keys" to the history of the past. The student of the Old Testament is aware of the use which has been made of folklore, but it may safely be said that at present it does not seem justifiable to assume that extent of mythic element in the ancient literature which has commended itself to some writers. One may readily believe that the ancient Oriental unconsciously employed the language of myth, and that the stories of his heroes were wrapped in a clothing of legendary origin, but to attempt to sever genuine history from romance by the aid of folklore is a task of great delicacy, taking into account the comparatively meagre amount of our literary evidence and the primitive methods of Oriental writers.

We can heartily commend to those who would know something of the newer school of anthropological research and of its utility in Oriental study, M. Salomon Reinach's *Cultes, Mythes et Religions*¹. Every page is marked by his versatility; he is always stimulating even when least convincing, and his vivacity charms even when his arguments fail to appeal. He passes easily from discussions of totemism and exogamy to the domestication of animals, from the theory of sacrifice to "pieds pudiques"; from Druidism to the prohibition of incest, and from ritual flagellation back to the Druids; Gallic gods, old Celtic paganism, prayers for the dead, Samuel Zarza, Antoinette Bourignon, and a medley of other subjects illustrate the wide field upon which he is at home, and the diverse topics upon which his graceful pen sheds light. Nearly all the five-and-thirty essays have appeared elsewhere as reviews or articles; several are lectures: one, on Taroos Trigaranus, is new. It is not easy to make a selection where the whole is readable, it is a book which it is a pleasure to dip into from time to time, and one will look forward to the other volumes which are promised. In "Observations on the Taboo," M. Reinach pithily sums up its essential characteristics: it is a prohibition for which no reason is given; the punishment which is called down is not an obvious one; and it is a sacred and not a human being who is affected by the infraction of the law. M. Reinach observes that the ark was essentially a "Taboo" of the old Hebrews (pp. 3 sq.). There is much in this volume on totemism and one is glad to see reprinted the code of totemism (*Revue Scientifique*, Oct. 1900) to which reference has been made previously in these pages². Apropos of this topic, we may note his enunciation of the fundamental principle that primitive and savage races present a living picture of what the ancestors of civilized races may have been at some prehistoric period, and that we may find among the

¹ Leroux, Paris.

² *J. Q. R.*, 1902, April, p. 445.

more advanced peoples the survival of some primitive usage or idea which, in a more complete form, and in its proper environment, still exists in less frequented parts of the globe.

In the "Domestication of Animals," reference must certainly be made to his remarks upon the Old Testament conception of primitive man and his relations with the animal world (p. 86 sq.). The Hebrew historians had their own ideas of the evolution of civilization, and, so far, the early chapters of Genesis give a faithful picture of Hebrew belief; but no one at the present day can maintain that these are accurate accounts of the beginnings of all things, and all the attempts which have been made to reconcile science with the Old Testament narrative have been unsound. M. Reinach parenthetically observes that throughout the Middle Ages down to our own day Biblical authority—which it was dangerous to contest—turned aside scholars from the studies which concern the origin of civilization: that it also hindered freer study of the Bible itself needs no telling, those who have read carefully any history of the philosophy of history are aware of the slow and painful steps by which modern research in the study of the past has been built up. Finally, in his discussion of the "Theory of Sacrifice," M. Reinach criticizes two prevailing views, the one that it is a gift-sacrifice, the other that it is an obscure mystic ceremony by means of which the worshipper entered into communion with his god. The latter, the view of Robertson Smith, is the one he upholds (pp. 97-104), and he considers that the evidence from the Aruntas of South Australia¹, has led to too hasty a reaction among anthropologists against the totem-theory of sacrifice. It should be added that the volume is dedicated to the memory of Robertson Smith, and appropriately, for M. Reinach has been practically the only exponent in France of the work of one whose studies both in Old Testament criticism and in Semitic sociology and religion were a unique combination of Oriental scholarship and anthropological skill.

S. A. Cook.

¹ Dr. Frazer's remarks in *J. Q. R.*, 1902, pp. 439 sq. should be noticed.

THE FOURTEENTH EDITION OF GESENIUS-BUHL'S DICTIONARY.

Gesenius: Hebr. und aram. Handwörterbuch über das Alte Testament, in Verbindung mit H. ZIMMERN, bearbeitet von FR. BUHL. 14. Aufl. Leipzig, 1905 (F. C. W. Vogel).

THE new edition of Gesenius's dictionary¹ before us represents a further substantial advance upon all its predecessors. Besides turning to account the enormous lexical and exegetic literature of a specialist character that has appeared in recent years, the editor has also subjected the entire material to a thorough revision. The new additions include, in the first place, the vocabulary of the Hebrew fragments of Sirach, a treatment of all articles touching on Egyptian by W. Max Müller, as well as a separate though very small list of words first found by conjecture². The Assyriological material was revised and supplemented by Zimmern. Despite the increase in contents, the work has been reduced by about six sheets in size, by a device of the printer's art. The work has thus gained in distinctness, as all philological comparisons and literary references are made to stand out clear by the use of smaller type.

A perusal of the dictionary enables the writer to make the following corrections or additions: 82 a בחר = *prüfen* (test), also Sir. xxxvii. 28, see *O.L.Z.*, V, 494.—115 b גבש, also *Neo-Heb.* as verb and in derivatives (Levy, I, 298 a).—187 a, l. 5 from below, *R.É.J.*, XIV, 152, read 157.—214 a, l. 14 hêmetu read himêtu.—400 a, l. 21 מַרְסֵת read מַרְסֵת.—476 b, l. 27 יִשְׁגֹּן read יִשְׁגֹּן and שָׁגָה read שָׁגָה.—491 b, l. 17 from below סַחֲרֵי יָרֵךְ read סַחֲרֵי יָרֵךְ.—511 b עָגַן, in *Neo-Heb.* an expression in marriage law, to prevent a woman from getting married again.—558 a, l. 17 from below רָחַם read רָחַם.—697 b, s. v. רָסַן II, the source is missing (Gen. x. 12).—737 b שָׁגַל, according to Peiser a loan-word from Babylonian, *ša ekalli*.—748 b, l. 10 from below שְׁחָדָה read שְׁחָדָה.—795 b, l. 13 תַּבְלִיתָם read *Luzzatto* תַּבְלִיתָם.—906 a, l. 15 חֲמֵשׁ II, read חֲמֵשׁ.

The following lexical³ and critical remarks are offered as a small contribution to a future edition.

¹ Cf. notice of thirteenth edition, *J. Q. R.*, XI, 688-90.

² In the list is missing, e. g., the verb שָׁמַח, which is quoted 719 b, l. 12 from below (on Isa. ix. 16).

³ Cf. also my "Babylonisch-biblische Glossen," just published in *O.L.Z.* (VIII, 125-9, 179-83. Also separately), to which the above may partly be regarded as a supplement.

I. LEXICAL REMARKS.

בג

Ezek. xxv. 7 לִבְנֵי לְגוֹיִם does not seem to me to be a mere mistake in writing for לְבוֹ, but a learned scribe of a later period may, with a thought of the Persian *bagha*, “share” (which is also found in בְּתִבְנֵי), have altered לְבוֹ into לִבְנֵי.

ברית = *biritu*

Ezek. xx. 37 וְהַעֲבַרְתִּי אֶתְכֶם תַּחַת הַשֶּׁבֶט וְהִבֵּאתִי אֶתְכֶם בַּמִּסְרָת הַבְּרִית. The word ברית is difficult here to understand; it does not agree with the parallelism, is missing in LXX, and is deleted by Cornill. But how is the occurrence of the word just in this passage of the text to be explained? I consider it to be a later explanatory *Babylonian* gloss = *biritu*, “fetter,”¹ on מִסְרָת, which should therefore be read מִסְרֹת, a reading that actually gives good sense and suits the parallelism. On the expression הִבֵּאתִי בַּמִּסְרָת cf. (Ps. cv. 18) בְּרוֹל בָּאָה נַפְשׁוֹ. In any case the article in הַבְּרִית remains surprising, though it could have been added later, after the gloss had intruded into the text.

גרע

In the obscure passage, Job xxxvi. 27 כִּי יִגְרַע נִטְפֵי מַיִם seems like the Arabic جرع to have the meaning “to sip, suck in.” The sense is: God sucks in the water-drops and then gives them forth purified (יֻקֶּוּ) in the form of rain.

חֲשֵׁךְ

I think I can prove the existence of a word hitherto overlooked, חֲשֵׁךְ “failure of speech,” ἀφασία, in Job xxxvii. 19. Whilst חֲשֵׁךְ “darkness” is altogether unsuitable here, the verse at once becomes clear when we read חֲשֵׁךְ (from חָשַׁךְ, as in Isa. lviii. 1 קִרְא בְּגֵרוֹן אֶל תַּחֲשַׁךְ) “We could not speak, as speech failed us.” Cf. vii. 11 לֹא אֶחֱשַׁךְ בִּי; xvi. 5 וְנִיד שִׁפְתֵי יַחֲשַׁךְ. Another expression for failure of speech occurs Job xxxii. 15 הֶעֱתִיקוּ מֵהֶם מַלִּים.

ילפת

The word יִלְפֹּת “tetter” has no derivation either in Hebrew or in the kindred languages. Perhaps it is to be derived from לפת “to clasp round,” and should then be vocalized יִלְפֹּת (like יִצְהָר) or יִלְפֹּת (like יִלְקוּט, יִנְשׁוּף, יִחְמוּר). This is how the ancients seem to have understood the word, too, as the Midrash Ruth Rabba explains וִילְפֹת.

¹ Cf. O.L.Z., VIII, 129, where I explain לְמַשְׁעִי (Ezek. xvi. 4) as a *Babylonian* gloss (from *mašá'u* = “to rub in”) on וְהִמְלִיחָה לֹא הִמְלִיחָה.

(iii. 8) by לפתתו כחזוית. The Massoretic vocalization יִלְפֹּת is probably given only according to the analogy of the neighbouring יִפְלֹת in Lev. xxii. 22.

מעט

מעט is almost completely missing in the dialects¹. One does not go wrong when one compares it with the Assyrian root of similar meaning, *matû*, which would therefore be מטע. With regard to the metathesis cf. זועה for זַעֲזָה (also with ע).

המריא

The expositors have long ago pointed out that the word וּמְרִיא, Isa. xi. 6, spoils the parallelism, and that a verb should rather be expected in its place. Marti reads רָעִים, Duhm יִבְרָא. I propose, without altering any root-letter, the reading יִמְרָאוּ: "Calf and young lion shall be *fed* together"². In *Neo-Heb.* המריא is especially used for the feeding of calves³. LXX ἄμα βοσκαθήσονται probably still had the right reading, but no longer understood the rare word, and therefore, according to the text, translated by "pasturing." Only later did a *diaskeuast*, by examining the original, render the supposed untranslated וּמְרִיא by ταῦρος, but inserted it in the wrong place (*before* instead of *after* καὶ λέων). The origin of the error וּמְרִיא for יִמְרָאוּ is explained most naturally, when one bears in mind that the vocalic endings were often not written at all, so that ימרא could easily be read ומרא.

מִשָּׁךְ = to acquire

Ex. xii. 21 משכו וקחו לכם, the verb משך seems as in *Neo-Heb.* to have the meaning of "to acquire," which has so far been known in the Old Testament only in מִשְׁכָּךְ, Job xxviii. 18, and perhaps also occurs in Ezek. xxxii. 20.

סנפיר

סִנְפִּיר "fin" is perhaps identical with סַפִּיר "sapphire." The designation would then rest on a correct observation of the fish found under water. As סַפִּיר (according to Lagarde, *Ges. Abh.*, 72) is the Indian *çanipriya*, then the נ in סנפיר would also be explained, which is also preserved in the Rabbinical סנפירינן "Sapphir."

ספר

Jer. xxxvi. 23 בתער הפִּפֶּר is striking inasmuch as תער occurs everywhere only as "razor," whilst the penknife is not mentioned at all

¹ Jew. Aram. אמצע "to diminish" is only a Hebraism.

² Cf. v. 7 הנן יאכל בקר יאכל.

³ Mishna Sabbath, 24, 3 ממרים את העגלים. That ממרים here is only inaccurate orthography for ממריאים is shown by the variant מאמרים. The Assy. *šumrû* also means "to make fat."

in the Old Testament. Hence I conjecture that הַפָּפֶר should be read : “with the razor of the *barber*.” There is a perfect parallel to the expression תַּעַר הַפָּפֶר in Ezek. v. 1 תַּעַר הַנְּלָבִים. From the fact that the Jews borrowed both the Aramaic סַפֵּר¹ as well as the Assyrian נִלְב, it seems to follow that they had no Hebrew word for “barber.”

סרן

The architectural expression סרני נחשת (1 Ki. vii. 30), which occurs only once, and is also found in Aramaic, is probably a loan-word from *šurinnu* “pillar” (Delitzsch, *Handwörterb.*, 691 a).

סתר II

Besides סֵתֶר “secrecy” there seems to have existed a second word סִתֶּר, entirely different etymologically, which means “cleft,” and belongs to Arab. سَتَر: Cant. ii. 14 בסתר המדרגה parallel to בחגוי הסלע, and perhaps 1 Sam. xxv. 20. The ס for the expected ש, which is still found in the verb שִׁתֶּר, 1 Sam. v. 9, may be based on a popular etymological assimilation to the root סתר, and is also found in *Neo-Hebrew*, where סתר means “to destroy,” and figuratively “to refute.”

עו (as a musical expression)

In a number of passages עו seems to be an expression for a particular kind of singing or music: in the first place, in בכלי עו (2 Chr. xxx. 21). I conjecture the same expression to have a like meaning in עו ודוד מכרכר בכל עו (2 Sam. vi. 14), for which LXX has *ἐν ὀργάνοις ἡρμουςμένοις*, and in the evidently corrupt passage עו ובשירים ובבנרות וגו' (1 Chr. xiii. 8). In the parallel passage (2 Sam. vi. 5) we have instead עצי ברושים בכל, which also indirectly supports my assumption, inasmuch as it is thereby proved, that the name of a musical instrument must have stood here, just as LXX (but here, not in the passage of Chronicles) has *ἐν ὀργάνοις ἡρμουςμένοις*. In the thrice occurring עזי וזמרת יה, the word עו clearly has a musical denotation, probably also in תנו עו (Ps. lxviii. 35), which stands parallel to שירו and זמרו, and which has an analogy in נתן קול as in נתן תה (Ps. lxxxi. 3) and נתן נעימה (Sir. xlv. 9)². Perhaps also in Ps. cv. 4 (= 1 Chr. xvi. 11) we should read ועזי *for* ועזי “sing aloud.” The LXX also conceives עו here as an imperative. Finally, in Ps. lix. 18 also,

¹ Used also in the Mishna (Sabbath, i. 2, &c.).

² The usual explanation hitherto given, “Give strength unto the Lord,” i. e. acknowledge his strength, is very problematical, because נתן עו is otherwise only found with the meaning “to bestow strength” (as in the following verse, הוא נתן עו והעזבוה לעם).

עוֹי אֵלֶיךָ אֹמְרָה, there seems to be the musical signification of the word, which, however, the ancients no longer understood, as is shown by v. 10, which is intended to be an improvement on our passage. In conclusion it should be mentioned that עוֹ is quite generally used of a great sound, e. g., Ps. lxviii. 34, קוֹל עוֹ of thunder.

עֶצֶב = nerve

I should like to explain Job ix. 28 יִגְרִיתִי כָּל עֶצְבִּיתִי according to the *Neo-Hebrew* עֶצֶב "nerve": "I shudder in every nerve." On the construction cf. Jer. v. 19, where מַעִי and קִירוֹת are to be explained with LXX as accusatives.

עֶרְכָּךְ

According to many expositors for בְּעֶרְכָּךְ (Lev. viii. 15 ff., &c.) we should read בְּעֶרְכָּךְ (reduplicated form of עֶרַךְ). A parallel formation would be the Babylonian *alkaktu* (from *alaku*) = "heroic journey."

צִלְפָּחַד

The vocalization of the proper name צִלְפָּחַד is quite unintelligible. After Nöldeke's explanation (*Untersuchungen*, 89 Anm.) of the name as *theophor* (= צִל פָּחַד), it is probable that we have here vowel-change with a purpose, as in יִמְרֶךָ, יְהוֹה, especially as we have here the same vowel-sequence (*e-o-a*).

שְׁלָה

In Dan. iii. 29, for שְׁלָה ketîb we should probably read שְׁלָה, *abuse*, *slander*, like the Syriac ܫܠܐ with many derivatives (also Targ. Job xxvii. 23 MS. and Targ. Prov. passim). Also in Dan. vii. 25 יִסְלֵא seems to have stood for יִבְלֵא, which very well suits the parallel passage: וּמִלֵּן לְצַד עֲלִיא יִמְלֵל.

תִּימְרוֹת עֵשֶׂן

The twice occurring תִּימְרוֹת עֵשֶׂן (Joel iii. 3, Cant. iii. 6) is generally derived from תָּמַר. But the vocalization is inexplicable. I assign it (as a *loan-word*) to a derivative from Babyl. *amâru*, "to look" (*bît tamarti* = "observatory"), so that it really means "signal," which would suit Joel iii. 3 very well. Thus the word belongs to תִּמְרוֹרִים "finger-post" (Jer. xxxi. 21), which Barth (*Z.A.*, III, 60) has already rightly assigned to *amâru*. The *Neo-Heb.* תָּמַר "to ascend straight" (of smoke or light) would then be a denominative from תִּימְרוֹת (not from תָּמַר).

¹ See my remark, *O.L.Z.*, 1905, 129.

תהומות = *Tiâmat*

To the numerous passages already collected by Gunkel and Zimmer¹, in which תהום = *Tiâmat*, I should also like to add Ps. cxlviii. 7 תנינים וכל תהומות. Beside תנינים the word תהומות cannot well have the meaning of "floods," "depths": more likely "sea-monsters" must be meant. Even if in the Babylonian *Tiâmat* is only a *nomen proprium* and denotes the one primitive monster, yet the word after being borrowed in Hebrew can have become an appellative, denoting sea-monster generally, so that one could form a plural of it: cf. Lam. iv. 10 לברות, plur. of לברה = *Labartu*, see *O.L.Z.*, 1903, 244.

II. TEXT CRITICISM.

Is. xlii. 3 לְאַמֶּת יוֹצִיא מִשְׁפָּט is difficult to explain syntactically. Every difficulty is removed if one vocalizes לְאַמֶּת, whereby the sentence becomes completely parallel with ver. 1 מִשְׁפָּט לְגוֹיִם יוֹצִיא. The reverse change is found in Sir. iv. 15, where the Gk. reads ἀφ' ἡμῶν for ἀφ' ἡμῶν.

Jer. ii. 22 לפני נכתם עונך was already the reading of LXX, but the translator rightly felt that not the sin but the sinner is aspersed, and therefore turned the sentence *κεκληλίδωσαι ἐν ταῖς ἀδικίαις σου*. I think that נכתם is a mistake for נחתם, due to a confusion of sound. Cf. Job xiv. 17 חַתוּם בַּצָּרוּר פֶּשַׁעִי, and Deut. xxxii. 34 הלא הוא כמוס עמרי חתום באוצרותי. Similarly Sir. xvii. 22, Syr.² ܟܬܡܐ ܕܥܝܢܐ ܕܥܡܪܐ ܕܥܬܪܐ.

Jer. x. 4 בכסף ובוזה יִפְּהוּ I should like, despite LXX, to emend into יִצְפְּהוּ, which is supported by Pesh. ܡܢ ܡܝܢܝܢ and Targ. מחפִּי ליה, and has a parallel in Isa. xxx. 22, where in a similar connexion there is mention of the צִפְּי of idols. The Piel of יפה is otherwise not verified in the Old Testament, and the interchange of צ and י is explained through the similarity of the letters in the early Hebrew alphabet. Cf. infra on Ps. lxviii. 5 and 19, and Isa. xi. 15, where since Luzzatto many expositors alter בעים into בעצם.

Jer. xxiii. 29 סלע יפצץ וכפטיש נאם ה' דברי כאש נאם ה' כה. Everybody feels how halting the word כה³ is, and that the parallelism here demands a verb. I consider כה a mistake for כָּה⁴ (either through bad copying or bad reading), which would suit the context splendidly: "Doth not my word cause burning wounds like fire, and cleave rocks as a hammer?" The Kal כָּה happens indeed not to occur in the Old

¹ KAT.³, 507 ff.² Cf. my essay, *Zur Erkl. d. Psalm. Sal.*, p. 31, on ix. 5.³ כה without succeeding verb is found elsewhere only in the single passage Isa. xx. 6 הנה כה מוטנו.⁴ Perf. propheticum with succeeding imperf. (*Ges.-Kautzsch*²⁷, 311, § 106 n.)

Testament, but is verified in the Mishna and in the dialects, and is confirmed besides by the derivatives *כויה* and *מכוה*. On the expression cf. Isa. xliii. 2 *כֹּהֵה לֹא אֵשׁ בְּמוֹ תֵּלַךְ בְּמוֹ אֵשׁ*, and Lev. xiii. 24 *מִכּוֹת אֵשׁ*. The versions already had our text, but the Pesh. supplied a verb itself, *כֹּה פִּי פִּי פִּי*. Duhm wishes to conclude from *כֹּה* that the passage is a quotation, as the prophet would not have said *כֹּה* if he had continued in the course of his own speech. Perhaps the superfluous *ו* in *הָלוֹא* has fallen out from *כֹּה* in such a way that one copyist wrote the *ו* above *כֹּה* as supplement, whilst a later wrongly inserted it in *הָלֹא*.

Jer. xxxviii. 11 *וַיָּבֹא בֵּית הַמֶּלֶךְ אֶל־תַּחַת הָאוֹצֵר*. It is difficult to understand how the "old cast clouts" were found *under* and not *in* the "treasury." Although LXX and Pesh. already read *אֶל תַּחַת*, I should like to see therein an old error for *מִלְּתַחַת*. Then *מִלְּתַחַת* would be the "clothes-chamber of the treasury." It is well known that in 2 Ki. x. 22 *מִלְּתַחַת* stands specially for the royal clothes-chamber. Perhaps the original text ran *מִלְּתַחַת בֵּית הַמֶּלֶךְ*, which later received a gloss in the form of *הָאוֹצֵר*. Thus the origin of the Massoretic reading would be easily explained, and the Pesh. would also become intelligible: *כֹּה פִּי פִּי פִּי*. The gloss *הָאוֹצֵר* then fell into the text in front of *בֵּית הַמֶּלֶךְ* in the copy of the Pesh.

Jer. lii. 3 (= 2 Ki. xxiv. 20) *כִּי עַל אַף ה' הִיתָה בִּירוּשָׁלַם וּבִיהוּדָה* cannot be explained philologically. Nor is the parallel passage 2 Ki. xxiv. 3 *כִּי עַל אַף ה' הִיתָה בִּיהוּדָה* any more intelligible, where the versions likewise read *עַל אַף*. I propose in both passages to read: *עַל אַף ה' וְגו'* "For the anger of the Lord arose against Judah." The expression would then be quite like Ps. lxxviii. 21 *וְגַם אַף עָלָה* *ibid.* 31 *וְאֵף אֱלֹהִים עָלָה בָּהֶם*, cf. also 2 Chr. xxxvi. 16 *עַד עֲלֹת חֲמַת ה' בְּעֻמּוֹ*, and 2 Ki. xxiii. 26 (in similar context) *אֲשֶׁר חָרָה אַפּוֹ בִּיהוּדָה*. The origin of the error in our passage I explain as arising from the fact that a copyist wrote as a parallel on the margin¹, Jer. xxxii. 31 *כִּי עַל אַפִּי וְעַל חֲמַתִּי הִיתָה לִי הָעִיר הַזֹּאת*. From this passage both *עַל* for *עָלָה* and the superfluous *הִיתָה* have crept into our verse.

Ezek. xxxii. 2 *וַתִּגַּח בְּנִהְרֹתֶיךָ וַתִּדְלַח מִיָּם בְּרִגְלֶךָ וַתִּרְפֹּשׂ נִהְרֹתֶיךָ*. For *בְּנִהְרֹתֶיךָ*, which is already supported by the versions, I conjecture *בְּנִהְרֹתֶיךָ* "by thy snorting." The false reading probably arose under

¹ The parallel was all the more suggested, as the concluding words there too *עַד הַשְׁלִיכוּ מֵעַל פְּנֵי* suit the following words in our verse *עַד הַשְׁלִיכוּ מֵעַל פְּנֵי*.

the influence of the following **נִהְרָתָם**. Only by the alteration to **בְּנִהְרָתָךְ** is a good parallelism restored. On this passage cf. Job xl. 23, where we likewise find the expression **כִּי יִגִּיחַ יַרְדֵּן אֶל פִּיהוּ** used of the *Behemot*.

Psalm lxviii. 5 **סֵלוּ לָרֶכֶב בְּעֶרְבוֹת בֵּיה שְׁמוּ וְעָלוּ לִפְנֵינוּ**. The difficult **בֵּיה** is perhaps only an old mistake for **בְּצִיָּה**, which originally should be a gloss to **בְּעֶרְבִית**, cf. infra on lxviii. 19. Instead of **שְׁמוּ** I propose to read **שְׁמָחֵי**, which would give a good parallelism.

Ps. lxviii. 19 **וְאֵף סוֹרְרִים לְשֹׁכֵן יְהוָה אֱלֹהִים** is clearly a variant to v. 7 **אֶךְ סוֹרְרִים שְׁכֵנוֹ צִחִיחָה**, which has crept into this passage by mistake. I therefore conjecture that we should read **לְשֹׁכֵן צִיָּה**, as **צִיָּה** is a synonym for **צִחִיחָה**, to which it was added as explanatory gloss¹. The mistake **יה** for **צִיָּה** must have arisen at a time when the ancient Hebrew writing was still in use, in which **צ** and **י** are very similar, so that one at the side of the other could easily slip out. In a similar way may be explained Ps. lv. 4, where many exegetes, according to the parallelism, alter **עֵקֶת** into **צַעֲקָת**: the **צ** fell out after the **י** of **מִפְּנֵי**. Cf. also Prov. vi. 5, where we should read **מִצִּיד** for **כִּיד** (*Analekten*, 52), and above on Jer. x. 4 and Ps. lxviii. 5.

Prov. xxii. 20 **הֲלֹא כָתַבְתִּי לְךָ שְׁלֹשִׁים בְּמוֹעֲצוֹת וְדַעַת** (thus Keri) should perhaps be punctuated **שְׁלֹשִׁים** "Have I not written for thee thirty (chapters) of counsel and knowledge?" It would then be a reference to the number of chapters in Proverbs, which is thirty-one in our version, whilst the LXX (owing to transpositions) only has twenty-nine. But if, in the LXX, we separate the last twenty-two verses (the alphabetical praise of the virtuous woman) from chap. xxix, with which they evidently have no connexion, and which also stands alone in M.T., we get thirty chapters.

Job xxx. 14 **כַּפְּרִיץ רָהַב יֵאָתִיו תַּחַת שֵׁאֵה הַתְּגִלְגָּלוֹ** is an inexplicable figure. How can an advancing army be compared to a wide breach? The parallel **שֵׁאֵה** shows that some elemental force must have been named. I therefore read **כַּפְּרִיץ רָהַב** "like the bursting of the flood²." **רָהַב** in this sense is found also in xxvi. 12 (perhaps also ix. 13) and Ps. lxxxix. 11. On the expression **כַּפְּרִיץ רָהַב** cf. 2 Sam. v. 20; 1 Chr. xiv. 11, which has an allegorical application as in our passage.

FELIX PERLES.

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¹ The unintelligible **אֱלֹהִים** at the end is explained most naturally by the beginning of ver. 8: the marginal gloss, owing to some mistake, attracted this **אֱלֹהִים** also to our passage.

² In the Assyrian inscriptions too the advance of the armies is described as *kimâ riḫitti*, "like an overflowing."

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¹ The compiler of this Bibliography is much indebted to the excellent lists of new publications which appear every fortnight in the *Theologische Literaturzeitung* (Leipzig, Hinrichs; annual subscription for 26 numbers 18 M.).

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I. A.

THE JEWISH QUARTERLY REVIEW

APRIL, 1906

BODLEIAN GENIZA FRAGMENTS.

I HAVE hitherto been unwilling to publish any of these texts till I could supply them with a more or less adequate commentary. The necessary leisure, however, seems not likely to fall to my lot, and meanwhile the fragments, in an English climate, may become less legible. Now that the catalogue is nearly ready to be published, it seems advisable to print some of the texts for the use of scholars, rather than to wait for an opportunity of editing them more fully. I should not have decided to print them, but for the kind encouragement of Mr. Abrahams, and his willingness to receive them in this REVIEW. I propose to publish the texts as opportunity offers, giving as accurate a copy as possible of the original, with the necessary description, and only the briefest comments.

I.

MS. Heb. f. 34, foll. 39-46. Paper, about $5\frac{1}{2} \times 3\frac{3}{4}$ inches, with 18 to 20 lines in a page, in a rather cursive form of Rabbinical character, probably all by one hand, though the writing varies a good deal.

The fragment seems to belong to a collection of letters of the Geonim, or of documents relating to them. The first part, of which the beginning is missing, is dated at the end Nisan תרס"ד=[1]264, Sel.=953 C.E., clearly the date

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ומאלותיך ביצח הקריא ביצח המנהג
ביצח התלמוד למען אשוכך באשר
הולכו מה קוריע וכל צון נפשך ויהיו
אגרותיך עליך זקן ומאיה ויש
עטרה מלך אהרן יתוהו יוצרו וצור
מעצמו יגביוה מזלך ויחצה כעצ
ויסכיח כלולך ויאזן כלולך ועל כל
יעלך והגור אמר וקם לך ושלום
וחלמתך וממשלתך וכשרון מעשיך
וטובותיך ירביון נצח מלה ועד יישע
ניסן ה' 4

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 ונהגו אחריין רב ששה ורז
 יוסף ולא יכלן לעמוד בדבר
 עד שמן עיניהם והיה
 סובב ומסבב ולא היה מפסיק
 ונכנס בין החכמים ונהגו ל
 זירא ואביי אחריין ולא היה
 אוכל מעשרות הרשור
 אלא מעשרות מענה כגון
 שמחת חמץ ונחום אגלים
 וכל מי שהיה כועס עליו
 הוא היה הולך אצלו ומפיס
 ונהג אחריין מעי זוטרא ביה
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Fol. 41.

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ומאחר שנאספו אדוננו צמח ואדוננו טוב לגן עדן לא באו שאלות
 מאצלכם אילא בימי מר יהודה גאון זל שהיה הוא ומר מישוי אלף זל
 סופרי שער אדוננו צמח אבי אבה נוחם בעדן ולאחר כן באו שאלות
 ממקומכם לפני אדוננו כהן צדק גאון זל ואתה אור עיני ואנשי מקומך |
 נקובי שם בחכמה ויצא לכם שם גדול כשם הגדולים אשר בארץ ונהוגים
 מנהג אבחיכם להביט בעלבון הישיבות ומשתי שנים באה נדבתכם
 לישיבות ונגולנו ולא הגיע לידנו ממנה אילא דבר מועט שהציל אתו
 נשיאנו שלמה ראש הגולה יחי לעד בטרוניה מיד שגולם וגם נדבתך ואת
 אשר נתנדבתה בעת הזאת ושגרתה על ידי הזקן הנכבד האציל בעם
 והסוחר באמונה אשר אין במדינתנו כמהו בזקנים ביראת יי ובענוה
 ובעשיות משפט וצדקה מרי ורבנא אהרן ואחיו החשוב והמכובד מרי
 ורבנא משה ינצרים צורם ויתמיד עשרם בני מרי ורבנא אברהם בן אהרן
 זכרם לברכה בקש הגזול לבלעם ולטרפם | ובכל זאת המחלוקת שיש
 בישיבה נדכינו ושחנו עד עפר ואין לנו רשיות שיבא מהם לחם חוקנו כי
 חרבו ואשר נותרו הוצרכנו אנחנו לצאת אליהם אחר שהיו גדולי הישיבה
 שופטים יוצאים ברשיותנו וגם הקרקעות שהיו לנו חרבו ואבדו באותן
 השנים הרעות • שעברו עלינו אפסו כספינו וקרקעיתנו ונשתפכנו כאבני
 קרש בראש כל חצות ונתנו מחמדינו באוכל להשיב נפשנו ולא נשתייר
 לנו זולתי כתבי אבותינו ולא נתן אלהינו למוט רגלנו ותחם עינו עלינו
 משחתינו • ויתן לנו נפשנו לשלל ובכל הקורות אותנו ולא עזבנו ארחות
 אבותינו והגינו בתורת | מתוך דוחק ואף על פי שאשר קדמונו בדורות

Fol. 42.

Fol. 42 b.

רבותינו היו לחוצים ממנו כגון דורו של יהודה בר אילעאי שהיו ששה
 תלמידי חכמ מתכסים בטלית אחת ועסקים בתורה וכגון הלל הזקן והדומים
 להם אנחנו מטנו מאותן דורות • עתה אור עיני נתנך יי אלהינו מגדל
 גבוה לחכמים ומעוז לראשים ומחסה לתלמידים ויד למטי יד ומשען לחם
 ומשען מים להמון עם אלהיך תביט באהבה ובברית שהיתה בין אבתי

הגאונים ואבותיך היקרים והאחות והרעות ותנהג מנהג אבותיך עם אבותי
 ותזכרני בנדבה רחבה בשמי ואל תעלים עין מלחשבני | כאבתי אם כבני Fol. 43.
 הדור הזה שאתה זוכר להם חסדי אבותיהם כי חסידי ארץ מעולם הם
 אווזים דרכי צדיקים אבותיהם וגם רבותיהם שכך מצאנו ברבינו רב שנהג
 מנהג רבינו הקדוש ברב מידותיו וגם הוא כשנהג עשר מדות שלחסידות
 נהגו תלמידיו אחריו שכך אמרו חכ עשר מילי דחסידותא דהוה נהיג בהי
 רבינו רב לא היה מהלך ארבע אמות בקומה זקופה ונהג ר יהודה אחריו
 ולא הלך ארבע אמות בגלוי הראש ונהג רב חונא אחריו והיה מקיים
 שלש סעודות בשבת ונהג רב נחמן אחריו ולא היה מביט לצדדין ואפילו
 לפניו כאשר אנו אומרים אִמּוֹ לֹ שִׁמִּי אַנְתָּ אֵלְמָא עַד שִׁשְׁמַע | קוֹלוֹ לֹא Fol. 43 b.
 הכיר שהוא בנו ונהגו אחריו רב ששת ורב יוסף ולא יכלו לעמד בדבר
 עד שסמו עיניהם והיה סובב ומסבב ולא היה מפסיע ונכנס בין החכמים
 ונהגו ר זירא ואבבי אחריו ולא היה אוכל מסעודת הרשות אילא מסעודת
 מצוה כגון שמחת חתן ונחום אֲבָלִים וכל מי שהיה כועס עליו הוא היה
 הולך אצלו ומפיסו ונהג אחריו מר זוטרא בריה דרב נחמן והיה רגיל
 בתפילין ונהג רב ששת אחריו והיה קולו עָרֵב והיה יורד לפני התיבה
 ולהיות מתורגמן לרבי הקדוש ונהג רב חייה בר אדא אחריו כדי לקיים
 כבד את יי מהונך כך אתה | אדיר עם תנהג מנהג אבותיך עם אבותי Fol. 44.
 ותקיים רעך ורִיעַ אֲבִיךָ אֵל תֹּ וְג' ותתדיר אגרותיך אלי בשלומך וטיבך
 ושאלותיך בין מן המקרא בין מן המשנה בין מן התלמוד למען אשיבך
 כאשר הורנו יי¹ מוריני וכרצון נפשך ויהיו אגרותיך על יד זקן תפארה
 וישיש עטרה מר אהרן יחייהו יוצרו וצור מעמו יגביה מזלך וירצה פעלך
 ויסבית פלולך ויאזין מלולך ועל כל יעלך יתגזר אמר ויקם לך ושלומך
 וחכמתך וממשלתך וכשרון מעשיך וטובתך ירביון נצח סלה ועד ישע
 ניסן רס"ד

שמואל הכהן ראש היש שלג בן חפני הראש אב היש ש בן כהן צדק Fol. 44 b.
 רא הישיבה שלגולה בן יוסף הנגיד נזר היש ש אל העדה הקדושה הדומה
 לאבן הראשה המאירה בעשישה ובגדול נר נברשה הממהרת וחשה לקיים
 מצות ולא בוששה בלא כלמה ולא בוששה הקהלה המהוללת והיא בכל יופי
 ונואי נכללת היא עדת אלהינו וסגולתו ולאומו וקהלתו החונה במדינה

¹ The three strokes look like יי, but are probably not intended to be read.

הגדולה היא מדינת פאס הישנה מקום התורה וגרן החכמה ויקב התעודה
המנדרים שנה לדרוש תורת יי המדושנה באפס כלם ובשנה: ישמר יי
נפשותם וייסד אשיותם ויישב רשיותם ויעמיד זרעם ושמותם כאשר הבטיח
כי כאשר השמים החדשים וג' יי יגביר אותם ויעביר צרותם ויערך נרותם
ויבן חצרותם ככ ובנו ממך חרבות עולם וג' שקטי שלומות ועזו ותעצומות
והסרת עגמות וזקיפת קומות בהשכל וחכמות ותוספת מזמות ויתר אופני
הברכות יהיו לכם אחינו זקינינו חכמינו נבוננו מאת מגננו ולכל קרוביכם
ונלויכם להושיבכם בטח ולהשקיטכם מימי רע ככ אשרי הגבר וג' | ישאו
אחינו ש' ממנו ומן יש סופר היש בחורנו המהיר בתו יי ומן רא' הסדרים
ורא' המדרש והפרקים והסיומין והסיעות ומן האלופ' והחכמ' ובני הגאונים
והשופט' והתנא' והתלמיד' והסופ' כי אנחנו בחדר אלהינו חונים ולפניו
מתחננים ובצלו מתלוננים ואכן באה שמועתכם ויחרד לבבנו ויתר
ממקומו ותבך עינינו ולבבותינו על הרס מקדשנו ועל הרג בני עמינו ועל
המורע' לבחורנו ואל' אלהינו נדרוש להרוג הורגיהם להרע להם ולהכות
בדבר מביהם ככ הכמכת מכהו הכ' וג' ומלפניו נבקש לנחם אותנו ואתכם
להטיב לכם ולהפוך לששון אבליכם ולשמח לבבותיכם מיוגונכם כאש אמ'
אז תשמח בתולה במחול וג' ולפניו נהלל ואותו נודה על הרעה כעל
הטובה ונזמר לשמו על כל מדותיו ככ חסד ומשפט אשירה וג' ומודיעים
כי אף על פי שיצירת בני אדם בעולם הזה בחדר ובצדקה ככ כי אמרתי
עולם חסד יבנה וג' אכן הם מנוסים ובחונים בעולם הזה בכמה נסיונות
וכמה בחינות ואף על פי שיוצרנו יתברך לעד בוחן לבות וכליות ויודע
כל הנסתרות והנעלמות ככ יגמר | נא רע רשעים וג' ורוב הנסיונות אשר
ינסה אלהינו בָּהֶם ינסה בם צדיקים וחסידים ואוהבים ככת בנסיון הצדיקים
יי צדיק יבחן ורשע וג' וכתוב בנסיון החסידים וללוי- אמ' תמיד ואוריד וג'
וכת' בנסיון אוהבי יי כי את אשר יאהב יי יוכיח והענין הזה נלמד ממש
רבינו שאמר וידעת עם לבבך כי כאש וג' ולכן אמ' שלמה יסר בנך
ויניחך ויתן מעדנים לנפשך: והזהיר אותנו לבלתי מאוס במוסר אלהינו
ככ מוסר יי בני אל' תמאס וג' כי הוא האב לכל ישראל ככ כי אתה
אבינו כי אברהם לא ידענו וג' ואנחנו יודעים כי אלהינו יתברך שמו נסה
את אברהם בעקידת יצחק בנו ככ ויהי אחר הדברים האלה והאלהים נסה
וג' ויאמר קח נא וג' ותחלת נסיונות אלהינו את ישראל במצות אשר צום
לטוב להם ככ ועתה יש מה יי אלהיך שאל מעמך וג' לשמר את מצות יי
וא' חקתיו אשר אנכי מצוך היום לטוב לך: והנסיון השני כי הוליכם

Fol. 45.

Fol. 45 b.

Fol. 46. במדבר ארבעים שנה לנסותם כֹּכ וזכרת את כל הדרך וְג' | והנסיון השלישי כי הוליכם במקום נחשים ועקרבים וצמאון ואֵף כי הציל הצדיקים מהם והרום מצמאם כֹּכ המוליכך במדבר הגדול והנורא וְג' המאכילך מן במדבר וְג' והנסיון הרביעי כי עֵינָם והרעיבם ואחרי כֵּן השביעם בכֹּת ויענך וירעיבך ויֵאֵ אֵל המן וְג' והנסיון החמישי כי הניח גוים בארצם לנסותם כֹּכ ואלה הגוים אשר הניח יי לנסות בם אֵל יֵשׁ וְג' והנסיון הששי כי נסה אלהינו את עמו בשעבוד המלכיות כֹּכ כי בחנתנו אלהים צרפתנו כצרף כסף ולכן אֵל דויד המלך בחנת לבי פקדת לילה וְג' והנסיון השביעי כי נסה אלהינו את עמו בגלותם בעוני ודלות כֹּכ הנה צרפתיך ולא בכסף וְג' והנסיון התשיעי והעשירי כי יבחון אלהינו את המשכילים בארבעה אופני הָרָעוֹת והם חרב ולהבה ושבי וּבָזָה כֹּכ ומשכילי עם יבינו לרבים ונכשלו בחרב ובלהבה בשבי ובבוזה ימים: | ואלה הם עשרה הזקנים הרוגי מלכות Fol. 46 b. כי היו בחונים ומנוסים בהריגתם על קידוש השם כֹּכ ומן המשכילים יכשלו לצרוף בהם וְג' ואלה המשכילים אשר יזהירו כרקיע וככוכבים כֹּכ והמשכילים יזהירו כזהר הרקיע וְג' ולכן נקראו צאן ההרגה כֹּכ כֵּה אֵל אלהי רעה צאן ההרגה אשר קניהן יהרגו ולא יאשמו וְג' ובאטת נאמר כי ההרוגים יהרגו על שני פנים: האופן הראש הצדיקים הנהרגים על קידוש השם ובהם נאֵל כי עליך הורגנו כל היום וְג' והאופן השני הנהרגים בעונותם כֹּכ בחרב יפלו כל חטאי עמי: ואוי ואבוי על השופך דם נקי כֹּכ גם בכנפיך נמצאו דם נפשות אביונים וְג' כי יי דורש דמם כֹּכ כי דורש דמים אותם זכר וְג' ואֵף כי ידרוש דם הנהרג ודמי זרעו כאשר דרשו רבותינו בפירוש המקרא הזה קול דמי אחיך צעקים אלי מן האדמה

A. COWLEY.

ABRAHAM MAPU.

THE following account of Abraham Mapu's¹ life and works is substantially the same as that given in a paper read before the Ramsgate Jewish Literary Society in August last. Something of what I then said as to the limitations of the paper, and the reasons for my choice of subject, may perhaps be repeated here.

The limitations will be apparent enough to the reader. They arise partly from the writer's lack of that intimate acquaintance with the Biblical and Talmudic writings which would be necessary for the thorough comprehension of Mapu's Hebrew; partly from the want of such assistance as the student of almost any living language except Hebrew would find in manuals and textbooks of literature. Apart from Mr. Brainin's Hebrew *Life of Mapu*, I do not know of any attempt at a critical estimate of his work; nor does it seem possible to obtain any coherent account of the development of that neo-Hebraic revival in which Mapu was a pioneer. As a consequence, this paper is limited practically to a consideration of the author's works in themselves, without reference to their forerunners or their successors, to the influences that helped to make them what they were, or to their influence on the works of other writers. There is no attempt here to indicate Mapu's rightful place in the history of Hebrew literature, because such an attempt would necessitate a wider range of vision than I can claim.

But it is really because of its limitations that the paper has been written. If the textbooks and manuals to which I have referred had been available, there would have been

¹ This seems to be the accepted spelling, though a double *p* would be more accurate.

the less justification for a paper such as this. It is because the study of modern Hebrew literature has been so neglected in this country that a tiro may venture, with however much diffidence, to put forward a claim to be heard on the subject. Perhaps—who knows?—his tentative and unsteady footsteps may be followed by others whose tread is firmer.

Abraham ben Yekuthiel Mapu was a native of Slobodka, a suburb of the Russian town of Kovno. He was born in the year 1808, the son of poor parents, in a community where poverty was the rule. His father was a teacher—which means that his livelihood was always precarious, and scanty at the best of times. To the normal disabilities (from the material point of view) that beset the Russian Hebrew teacher, Yekuthiel Mapu added an idealist temperament and a keen thirst for knowledge, which made him spend his time in study and his money on books, instead of devoting both to the merely material needs of himself and his family. Abraham Mapu naturally had a thorough education, according to the ideas of his time: he mastered the Torah under his father's tuition, and at a very tender age was sent to the *Beth Hamidrash* to wrestle with the intricacies of the Talmud. His natural aptitude and love of study soon made him an adept in this branch also, and it was not long before he acquired considerable local fame as an *עלוי*—a genius or prodigy. It followed that he was eagerly sought after, as an eligible *parti*, by mothers of daughters: for in those days the pious mother in Israel looked for learning, not wealth, in her son-in-law. But Mapu himself was little concerned with these mundane matters. Capable though he was of strong affections, his heart was really in his books, and the external world in which he lived was strange to him. His imaginative and enthusiastic temperament led him to study the mystic writings of the Kabbala, with which his father had some slight acquaintance; and they took so strong a hold on his imagination

that at the age of sixteen he must needs endeavour to practise the occult science that they teach. He was seized with the idea of making himself "a seer unseen," of being able to go about among his fellow men and watch their doings, himself invisible. Mr. Brainin relates at length the story of this experiment in practical Kabbala: how Mapu found a skull on the barren hill, at the foot of which Kovno lies, and, in accordance with the Kabbalistic prescription, filled its crannies with earth and made flowers grow from it; how, after scrupulously carrying out all the necessary rites and ceremonies, he walked into the city believing himself really invisible, until a friend accosted him; and how, in spite of his bitter disillusionment, he did not abandon his faith in the mystic symbols, but concluded that he must have neglected some essential step, or else had not reached the height of saintliness necessary for one who is to become invisible.

The story is interesting because it is so typical of the man. It shows him possessed at that early age of the same wonderful power of imagination which enabled him throughout his life to triumph over the abject sordidness of his surroundings, and made his inner life so rich while outwardly his circumstances were scarcely tolerable. Little better than a beggar from the material point of view, he carried within him a wealth of visions and fancies which had for him far more of reality than his external surroundings. In after years he could look back with half-contemptuous amusement on the extravagances into which he had been led by his youthful enthusiasm; but his heart remained always the heart of an enthusiastic youth. To the last he felt an almost childish affection for the creatures of his imagination, and watched over their joys and their sorrows with a keener interest than that which he took in the fate of actual human beings.

This being so, we shall not expect to find in the events of his outward life anything that demands or deserves a lengthy exposition. His livelihood, such as it was, he

gained chiefly by teaching, either in private families or in schools. Sometimes he was fortunate enough to obtain appointments in government schools, which probably gave him a respectable living; but for the most part his income was not sufficient to meet his needs, and he had to accept assistance from his brother Mattathias, who was a fairly prosperous man of business. It goes without saying that the production of his books did not increase his worldly wealth. He lost his first wife at an early age, and married again. His daughter, to whom he was passionately attached, was taken from him in her childhood, and his only son grew up to be almost estranged from him. Physically he was not robust; for a long time his right hand was paralysed, and he had to train himself to write with the left. He died, at the age of fifty-nine, in Königsberg, while on his way to seek a cure at a German watering-place—his first excursion beyond the bounds of his native country. It is a sufficiently melancholy record, such as might almost be expected of a poet doomed to the Ghetto life of poverty and restriction, and little is to be gained by dwelling on it. For us the essence of the man lies in his spiritual life and its fruits, and to these we may turn with a feeling of relief, as from darkness to light.

As a teacher, Mapu developed a considerable interest in his profession, and wrote treatises on pedagogy, designed to overthrow the monstrous system, or absence of system, under which he had himself been brought up—a system which overlooked the difference between the child and the adult, and burdened the infant mind with a load of abstruse and technical knowledge with which none but a fully-developed intelligence could be reasonably expected to cope. Nor was his interest in education confined to the Bible and the Talmud, the subjects ordinarily taught amongst the Jews of his time and country. His own love of knowledge led him to study other languages besides Hebrew. Under the most adverse circumstances, and with

the least possible assistance, he made himself familiar with Latin, Russian, French, and German, and he desired to see the knowledge of these languages spread among the Jews in Russia. To say this is to say that he belonged to the school whose watchword was *Hascalah* or enlightenment—a school bitterly opposed to the blind devotees of Chassidism, and tending to become not less violently antagonistic to the dominant Rabbinic orthodoxy.

It is difficult to appreciate correctly the points at issue in the three-cornered contest between Rabbinism, Chassidism, and the Hascalah, and still more difficult to do justice to all parties. Chassidism and the Hascalah had this much in common, that each was a revolt against Rabbinism; but the two revolts took opposite directions. Chassidism set up, against the dry formality of the traditional orthodoxy, an ideal of ecstatic communion with God, as compared with which mere observance of law was valueless. The men of the Hascalah, on the other hand, protested, and not without reason, against the narrowness of the Rabbis, who viewed with apprehension any attempt to introduce into Jewish life the culture of European nations. Chassidic fanaticism, more especially when it turned to wonder-working and charlatanry, was naturally detested by both the upholders of law and the apostles of culture; and from this point of view the Rabbi and the "Mascil" (disciple of the Hascalah) are at one. But for our present purpose the opposition between these two schools is of more importance than their point of unity, because, although the bitterest hatred of the Mascilim was directed against the Chassidim, circumstances rendered it inevitable that the breach between them and the orthodox school should widen.

The main issue, as I have indicated, was that between the claims of an exclusively Jewish education and those of general culture. It is an issue with which English students of Jewish history are familiar, as it appears in the history of Moses Mendelssohn, the father of the Hascalah

movement, and his followers. But conditions in Russia in the first half of the nineteenth century were not those that obtained in Germany in the latter part of the eighteenth, and hence the Hascalah movement developed along very different lines in the two countries. In Germany the efforts of the Jews to assimilate Western culture had their logical result in the successful striving after social and political emancipation. But in Russia there was no Lessing; the Jew might become as enlightened as he liked, but he could not win recognition of his rights as a citizen. The result was that whereas in Germany assimilation, rendered easy by the political victory, was carried to extreme lengths, and "enlightenment" came to mean the discarding of the Hebrew language and everything else distinctively Jewish, in Russia the Mascilim remained true to Jewish tradition, and were even compelled to adopt Hebrew as their medium of expression, because no other language (except the despised Yiddish) could be understood by those for whom they wrote. Thus, while the "enlightened" German Jews tended towards absolute race-suicide, the Russian Mascilim helped to strengthen the racial, or rather national, Jewish feeling by their use of Hebrew as the language of ordinary life: and this in spite of the fact that their ideal was distinctly anti-national. This inconsistency between their aims and their means helps to explain the opposition with which they met from the side of the orthodox. At first sight it would appear that these latter should have been the first to welcome the spread of a knowledge of Hebrew. But their distrust of foreign ideas was stronger than their love of their ancestral language; and if Hebrew was to be used, as the Mascilim used it, to spread external culture in the Ghetto, then even Hebrew must be opposed. Thus the party of traditional orthodoxy was driven to discourage even the study of Hebrew, and to adopt an almost Catholic policy of obscurantism. It is easy to condemn them; but it must be remembered that to them foreign culture meant dis-

integration, and disintegration death, and they chose what seemed to them the lesser evil. With the example of German Jewry before them, they did not entirely lack justification.

For Mapu, however, with his thirst for knowledge, and his creative genius striving for expression, there could be nothing but evil in the attitude of those for whom reading was a crime, and writing a sin; and he became perforce a Mascil and an opponent of the orthodox school. Like most of the Russian Mascilim, he suffered to a certain extent for his heresy; for the old-fashioned party was in the ascendant, and in the restricted Ghetto-life could do a great deal of mischief by petty acts of persecution. In Mapu's case, the malignity of his enemies brought about the suppression and partial destruction of one of his longest books—the *חֲזוֹן חַיִּים* or "Dreamers"—while it was yet in manuscript, with the result that only a fragment of it now survives. But Mapu was not the sort of man to gird on sword and buckler, and fight for the faith that was in him. By temperament he was timid, and a man of peace. And so the Hascalah had in him a loyal disciple indeed, but not an active champion. Nor can he be said to have cherished any high ideal of spiritual emancipation and uplifting. He wished to see European culture, together with European dress and manners, diffused among the children of the Ghetto; but he had no clear conception of the use to which these valuable possessions were to be put when they should have been acquired. There is not much to be said for external assimilation as an end in itself. Mapu's claim to respect lies not in the value of his ultimate ideals, but in the brilliance of his immediate achievement. The revival of the Hebrew language as a general literary medium was a task worth attempting on far other grounds than those of the mere assimilationist; and into this task Mapu threw himself with a splendid enthusiasm, which produced results no less splendid.

It is therefore as the leader of a Hebrew revival that

Mapu is to be primarily regarded; and this fact must be borne in mind in any attempt to estimate the value of his work. For himself, the importance of his novels lay in the fact that they were written in Hebrew, not in their interest as stories or psychological studies. We shall not, however, be doing him an injustice if we insist on treating his novels as such, and not merely as essays in the Hebrew language, if only because of the vivid interest, already mentioned, which he felt in his imaginary men and women. We shall not, indeed, be able to allow him, as a novelist, much claim to originality of conception or profound insight into human nature. His technique is wholly borrowed, and his psychology rudimentary. Yet a writer with such powers as a story-teller, and such ingenuity in manipulating a complicated plot, cannot be denied a title to rank among the novelists. And this claim to originality he has, that he was the first writer who chose the ancient Jewish state as the scene for a romantic novel, and told his story in the language of the Bible. To wed the old Hebrew tongue, with all its solemn and religious associations, to a romance of the melodramatic type—this was the feat that Mapu conceived and accomplished.

It was apparently his French reading that made him a writer of novels. Of all authors whom he read he admired none so much as Eugène Sue, whose *Mystères de Paris* achieved a European reputation, and was translated into Hebrew during Mapu's lifetime. It was on the romances of Sue that he modelled himself, so far at least as plot was concerned. Novels like those of Sue may be regarded as an outcome of the great revolutionary movement of the end of the eighteenth and beginning of the nineteenth centuries. They are a revolt against the conventionality of a sophisticated age, in which custom and obedience to social law have so obscured the mainsprings of human action that they seem to have become the ruling force. The romantic novelist brushes away all this over-growth

of civilization, and reveals the workings of the primal instincts and emotions of human nature. Love, hatred, the passion for revenge—these are for him the springs of all human conduct; these are the foundation on which he builds up his romance of plot and counterplot. So it is with Mapu's three novels. In the *אַהֲבַת צִיּוֹן*, *Love of Zion*, and the *אַשְׁמַת שׁוֹמְרוֹן*, *Sin of Samaria*, the scene is laid in ancient Palestine; in the *עֵיט צָבוּעַ*, or *Hypocrite*, the action takes place chiefly in a modern Russian Ghetto. But the type of story is always the same—always the play of fierce passions, exaggerated sometimes to the point of grotesqueness, and producing a state of things startlingly unlike the placid and humdrum aspect that modern life is apt to wear. When this is said, the general characteristics of his novels are perhaps sufficiently indicated. But the novels individually are worth a little more detailed examination.

The *Love of Zion* was Mapu's earliest work. It was commenced in 1830, when he was twenty-two years old; but he worked at it for more than twenty years before publishing it, and it did not see the light till the year 1852. The fact that the writing of the book was spread over so many years is of less importance than might be expected; for Mapu's was not a mind that developed to any considerable extent after he reached manhood. At any rate, the book is fairly even in style throughout, and there is no breach in the continuity of the story.

The theme of the *Love of Zion* is the love-story of Amnon and Tamar, and its scene is laid in Palestine under the reign of king Ahaz. The novel begins, in the most approved style, with the birth of the hero and heroine, and carries them safely over the path of proverbial roughness to the wedding-day. They have been predestined for one another by their fond parents even before their birth; but if their happiness is thus decreed beforehand, so also are the troubles through which they must pass before they can attain it. For Amnon is born under a shadow. His

father, the wealthy and powerful Joram, has been the victim of a foul plot, instigated by his rival, and pretended friend, Mattan the judge. Like the Biblical Elkanah, Joram has two wives, Naamah and Haggith; like Elkanah also, he loves the one more than the other, and thus causes jealousy between them. Mattan, who loves Haggith, and burns to revenge himself on his successful rival, takes advantage of this fact. When Joram goes out to fight the Philistines, Mattan persuades the steward Achan (who also has his grievance) to set fire to Haggith's house, destroy her and her children, and give it out that the crime has been committed by Naamah. Achan is then to pretend that his own infant son is Ezrikom, the heir of Joram, whom he has rescued from the flames.

The plot is successfully carried out. Naamah is persuaded by Achan to run away, and of course the whole world believes her guilty. While she is living in concealment Amnon is born. Brought up as a shepherd, in ignorance of his birth and rank, he attracts attention by his noble bearing and his graces both of mind and of body. The turning-point comes when he captivates Tamar (who of course does not know the shepherd) by his singing, and saves her life by slaying a lion. This ensures him a welcome in her father's house, and Amnon and Tamar of course fall more and more violently in love with each other. But they have much to go through before their happiness can be realized. Tamar is destined (and her fate is confirmed time and again by heaven-sent dreams) for Joram's son; and here is Ezrikom, ugly of body and evil of heart—but still, so far as the world knows, a son of Joram. How shall the poor and unknown Amnon stand against him? How shall Tamar set her own will against that of her parents? Nay, how shall she even retain her faith in Amnon when his character is blackened by the insidious arts of his rival? But true love triumphs in spite of difficulties. When things are blackest, Mattan reveals the secret on his death-bed. Achan and the pseudo-Ezrikom

are exposed, Amnon comes into his rights; and for him and Tamar the inevitable result follows.

The story is charming in its naïve impossibility, but there is of course nothing of striking originality about it. We are all familiar from childhood with the hero under a cloud, and the peerless heroine who is faithful to him throughout. So far as plot and incident and stage-devices go, Mapu's stock-in-trade is almost wholly borrowed from his French models. The characters, too, are conventional, and show no sign of any real study of human nature. The canvas is filled with the deep black and the pure white of romance, not with the infinitely subtle gradations of the psychological colour-scheme of actual life. It is not here that we have to look for traces of the author's individuality. These, indeed, are hard enough to find in the book at all: nor is this altogether surprising. Mapu was by temperament the reverse of self-assertive, and he belonged to a race whose outstanding characteristic is a wonderful, almost fatal, faculty of imitation. Yet, as Mr. Brainin points out, the *Love of Zion*, if it does not bear the impress of a strong personality, is so far independent of its French models, that it is thoroughly Hebrew. This is apparent, of course, in the choice of ancient Palestine as the scene of the story: it is apparent in the ardent love for the ancestral home of the Jews which breathes in every page, and in the often-emphasized preference for the country with its simplicity and innocence as compared with the restless life of the towns; above all is it apparent in the strongly religious tone of the book, in the insistence on the necessity for a firm faith in providence. And we see Mapu's own almost feminine temperament reflected in the fondness with which he dwells on the passion of love in its most ethereal form, and the abhorrence with which he turns from the machinations of the evil-doer. These characteristics are sufficient to distinguish the *Love of Zion* very radically from the novels of a Sue or a Dumas, however great its debt to them.

But, when all is said, the book has one paramount claim to distinction, and that is its language. To infuse a Hebrew spirit into a story of this type was something; but to tell the story in pure Biblical Hebrew, with all its *naïveté* and simple directness, this was indeed a great achievement. Mapu was not of course the first writer who used Hebrew for general literary purposes. To say nothing of the rich and varied Hebrew literature of mediæval times, there had taken place in Germany, a generation or two before Mapu's time, a revival of interest in pure Hebrew (as distinct from the semi-Aramaic language of the later Talmudic writings) which had borne excellent fruits. But Mapu had the poetic spirit and the imaginative insight which the German Hebraists, for the most part, conspicuously lacked; and by virtue of this gift he was able to assimilate and appropriate the Biblical spirit as none of them could. For this reason, where they are but imitators, he is a creative genius. He reproduces not merely the form, but the innermost spirit of the Biblical Hebrew. He is, in the truest sense of the word, a poet, with the poet's power of imagining himself into a world far other than that in which he actually lives.

There could perhaps be no more effective contrast than that between Mapu's actual surroundings and the life that he depicts in the *Love of Zion*. The contrast is not merely that between town and country. There is all the vast difference between the open-air life of a free people, believing in itself, and ready to resist its enemies to the death, and the life of a down-trodden race, confined within Ghetto walls, for which restrictions and hardships are normal features of its existence. Yet Mapu's descriptions of Palestinian life and scenery have a warmth and wealth of colouring hardly to be surpassed by one writing of things with which he was familiar. No doubt there were trees and birds and sunshine in Russia; but for Mapu the lines did not fall in pleasant places, and, in any case, no amount of nature-study could have enabled him to

realize as he did the scenery of Palestine and the life of its shepherds and vine-growers. Nor again is it a matter of historical research. Mapu had nothing but the vague outline given in the Bible to help him in his task of reconstruction. Yet with this slender aid he succeeds, by sheer force of imagination, in making ancient Palestine live for us as no prosaic historian, with records never so ample, could make it live. The scene of the Bethlehem shepherds in the fourth chapter, and that of the grape-gathering in the fifth, are supreme instances of his wonderful imaginative power. With some diffidence I have attempted a translation of part of the first of these passages:—

“Bethlehem, the resting-place of Judah’s kings, lay to the south of Jerusalem, firm stablished on the top of a pleasant hill. Round about were many wells and springs of water clear as crystal, and sweet to the taste. In this fair spot grew juicy olives, and sweet grapes hanging in their ripe clusters. And as the hills were clothed in gladness, so were the valleys decked with myriad colours of bud and flower. There the young lambs skipped, and the herds of bullocks fed; it was a land flowing with milk and honey. . . . Here Amnon tended the flock of Abishai, the steward of Joram his father, and was accounted a shepherd’s son; and right well was he beloved of the shepherds for his beauty and his music: for he played the harp, and sang sweet songs to rejoice their hearts.

“Now the spring-tide gathered to Bethlehem all the noble sons of Zion, and her daughters fair and tender; and among them came Tamar to Abishai’s house, in the perfect bloom of her beauty, clad in purple and bright raiment. She went forth with Maachah her nurse to the pasturage of the shepherds, and passed by the place where Amnon rested his flock; and as the shepherds saw her, so were they amazed, and they said one to another: ‘See there the fairest of Zion’s daughters.’ But Amnon said to them: ‘Ill befits the shepherd to look on that which is

above him. Look we down at our flocks as they lie, and lift we not our eyes to behold the daughters of the highest in the land.' Yet did Amnon gaze after her from afar, and observed her goings. The sun poured forth his priceless light and glowing warmth over the pastures; the streams of water babbled on in their noisy torrents; the leaves rustled in the warm breeze that stirred the twigs, and there was heard the song of birds and the sound of the flocks, and the solemn echo from the mountains."

In the *Sin of Samaria* we have a story of the same type, but on a larger scale. The number of characters is greater, and the web of intrigue is more intricately woven. The historical setting of the story is the struggle between the kingdoms of Israel and Judah in the times of Ahaz and Hezekiah, resulting in the triumph of the righteous Judah, and the overthrow of her impious rival. As the title denotes, Samaria, the Israelite capital, is for Mapu, as it was for the prophet Isaiah, the home of all that is evil. He denounces the false gods and false priests of Bethel with a fervour that could not have been surpassed by the most inspired prophet of the true God in the actual period. We are compelled to admire the strength of imagination that enabled him to think himself back into that far-distant time, and to feel once more the hopes and fears of the combatants in a thrice-dead quarrel; but we can hardly be expected to take any vivid interest in this struggle of three thousand years ago, more especially when it is portrayed in so partisan and one-sided a spirit.

Setting aside the historical aspect, the book has no special merit, unless intricacy of plot be one. The reader grows tired of the numerous pairs of lovers (belonging to two generations) who have to be happily mated at the end; and the spectacle of Uzziel rejoicing in his two wives, with which the book closes, will scarcely appeal to minds habituated to the principle of monogamy. Again, the book is inferior to the *Love of Zion* in that the evil-doers bulk more largely in it; for Mapu was far more at home with

the virtuous lover than with the unscrupulous villain. Nor, I think, will the *Sin of Samaria* bear comparison with the earlier work on the ground of freshness and charm of style. There are, however, passages of fiery denunciation in which the spirit of Isaiah is caught as probably no other writer has caught it.

Mapu's last novel, the *Hypocrite* (עֵיט צְבִינֵי, literally "coloured bird") takes us into a different world. We have no longer a historical novel, but a romance of the author's own time and country, in which the characters are, or purport to be, such men and women as he met every day. At the outset it must be said that Mapu was the last person in the world who might be expected to deal successfully with contemporary life. He was essentially a dreamer and a poet, wrapped up in his own phantasies, and given to seeing things through the coloured glasses of imagination. If we attempt to judge the *Hypocrite* by the canon of faithfulness to actual life, we shall be compelled to pronounce it a failure. The familiar types from which he drew his characters—the cunning matchmaker, the persecuted "Mascil," the bigoted Rabbi, the ignorant fanatic, the needy and unworldly scholar—are hopelessly exaggerated. If our knowledge of the surroundings in which Mapu lived were based wholly on this novel, we should still hesitate to believe that the Mascilim were such angels, and their opponents such despicable creatures, as he makes them. Some of his characters, again, are more purely products of his imagination. He can hardly have been familiar with the rich and influential Jew who has the ear of princes, or, again, with the extreme assimilationist of the type of Abner, who calls himself Émile, and wishes to deny all connexion with his people. Still less can his hero and heroine have existed outside his own fancy. They represent that combination of thorough general culture with intense Jewish feeling, which Mapu no doubt hoped to see realized, but which could scarcely co-exist with the actual features of Russian

Jewry in his time. The *Hypocrite*, in fact, falls between two stools. It is neither a picture from life, nor a pure romance, but a little of both. Further, as an attempt at realism it must be condemned on the ground of exaggeration; as an ideal picture it is open to the criticism that the author has not created a setting in which the realization of his ideal might be regarded as possible.

Nor can one give the same unstinted praise to the style of the *Hypocrite* as to that of the *Love of Zion*. Not that Mapu's hand has lost its cunning. His mastery of the simple Biblical Hebrew remains. But the language no longer fits the subject so perfectly. Transplanted from ancient Palestine to modern Russia, it loses its freshness, and appears glaringly and painfully artificial, more like a corpse than a living instrument of thought. We feel that the development which the Jewish people has undergone in three thousand years demands a commensurate development in language. Or, to put it in another way, we feel that we have left the Biblical spirit behind, and brought with us only the Biblical form. Phrases taken straight from the Scriptures, which were so appropriate and even inevitable in the *Love of Zion*, are now mere מליצות, "flowers of diction" — Biblical tags twisted often into strange meanings, without too much regard for grammar. It is true that the twistings are often superlatively clever. Take for instance the adaptation of the phrase קול ה' אֱלֹהִים מְהַלֵּךְ בְּגֵן לְרוּחַ הַיּוֹם "The voice of the Lord God walking in the garden in the cool of the day¹," to express a sort of progressive revelation: "the spirit of the time" is the voice of God. But the total effect is that of a mosaic of Biblical quotations, not that of a living language.

Yet, in spite of these drawbacks, the *Hypocrite* does derive a certain interest, of a kind not shared by the historical novels, from the fact that it touches on the actual life of the writer's time. It does at least deal in some

¹ Gen. iii. 8. The word רוּחַ, here translated "cool," means either "wind" or "spirit."

sort of way with a problem that is perennial and perennially fascinating—the problem of the development of a nation's ideas. The struggle between the Mascilim and the ultra-orthodox, which is the pivot on which the story turns, has its counterpart in the history of every nation. It is the ever-living conflict between the two opposing tendencies in man's nature—between the conservative spirit which makes him cling affectionately to the well-worn road, and the progressive spirit whereby he is impelled to venture out upon untrodden paths. And for Jewish history at all events that particular phase of the spiritual conflict which began to be fought in Mapu's time has not yet lost its importance. For this reason we may read the *Hypocrite*, in spite of all its defects, with a feeling of concrete personal interest such as cannot be stirred by the struggle depicted in the *Sin of Samaria*.

The *Hypocrite* has thus a certain attraction for the student of the philosophy of history. But to treat it from this point of view is to be unjust to the author. Mapu had his ideals, but they were felt rather than thought out, and he was too much of a partisan to take a comprehensive view of the struggle in which he played a part. So the *Hypocrite* remains simply a romance, and not a very successful one at that. There is no need to criticize the author's ideal, either on the ground of its intrinsic worth, or on that of the possibility of its realization, because his aim was not to present an ideal to his readers, but to awaken an interest in the Hebrew language by using it to tell an interesting story. It matters little that his stories show no originality of conception or psychological insight. It matters still less that we find no coherent philosophy in the one novel in which we might be tempted to look for it. In order to obtain a true estimate of Mapu's importance, we must disregard these considerations, and regard him as what he set out to be—as an enthusiast for Hebrew, and a master of its use.

Judged from this point of view, he deserves nothing but

praise. His mastery of Hebrew was perfect. Whatever thought he wished to express he could put simply and clearly, without going (except in a few cases) beyond the limits of the Scriptural vocabulary. More than that, he never wrote Hebrew like one who thinks in a different language, and has to translate. The style of the *Hypocrite* is artificial indeed, but that is only because Mapu was so permeated with the Biblical spirit that he could not write naturally about his own time. Its artificiality is never that of a language unfamiliar to the writer.

With this perfection of style Mapu succeeded, as he deserved to succeed, in his aim of reviving interest in the Hebrew language. The wealth of the Hebrew literature produced in Russia during his lifetime, and afterwards, testifies to the completeness of his success—a success achieved by dint of perseverance in the face of the most formidable difficulties. Doomed to a perpetual struggle for existence, he was yet able to write stories as pleasant as his life was melancholy. He had to create his own public, to do the merely commercial as well as the literary part of the work, to distribute his books himself, often with little chance of obtaining their price. סופר אני ולא סוחר. “I am an author, not a huckster,” he exclaims bitterly in one of his letters, chafing under the irksome necessity of doing the work of agents and publishers. Yet he never lost his imaginative power, nor his enthusiasm for the Hebrew language, and he was rewarded by seeing the seed which he had sown bearing good fruit in the generation that followed him. Nor was he denied the respect and admiration of his contemporaries. His approval was eagerly sought after by budding authors who attempted to imitate him, and who submitted their manuscripts to him for judgment. Modern Hebrew literature has indeed developed on lines far other than those laid down by him. As regards both style and subjects, it has advanced to the level of the times. But this very fact helps to throw into stronger relief the freshness and purity of Mapu’s

old-world novels, and rather enhances than detracts from their value. Certainly it can never be made a ground for neglecting him, or denying the value of his service in the cause of Hebrew as a living language.

LEON SIMON.

GEONIC RESPONSA.

VII.

FRAGMENTS T-S., Loan 90, 103, 104, 105, size 19.5 × 14 cm., written in a square oriental hand of about the twelfth century. They represent the remainder of an index to a very large collection of Geonic Responsa. The Geonim by whom these Responsa were written are: Doza, the son of Saadia; Sherira; his son Hai; Samuel ha-Kohen, or as he is usually called, Samuel ben Chofni. Some of the Responsa are written conjointly by Sherira and Hai; but the greater part of the Responsa lack the name of their author. One bears the name of חזקיה בן שמואל ראש סדר נכר פלמוי, and is addressed to בהלול בן יוסף. This בהלול was a contemporary of Hai, with whom he stood in lively correspondence (comp. Harkavy, *Responsen der Geonim*, p. 345), and accordingly "grandson" cannot have its literal meaning here, as there is about a century and a half between the time of Paltoi and that of Hai. I am inclined also to believe that this חזקיה did not live in Babylonia, but in Africa or Palestine. The reason for this assumption is his title ראש סדר, the bearers of which, known to us from Geonic times, are all scholars living outside of Babylonia (comp. Poznański in *Z.H.B.*, VII, 146), and this notwithstanding the fact that the title originated in Babylonia, where at the close of the Tannaitic time it was conferred upon leading scholars like Shila שלא and Abba Arika (*Hullin*, 137; Letter of Sherira, p. 28, ed. Neubauer), while the Palestinians used the title ראש ישיבה. But with the establishment of the academies in Babylonia the title of ריש סדרא ceased, and instead of it came ריש מחיבתא, and later Gaon. In contrast to the Babylonian מחיבתא, the other academies were only סדרא, and their leader ריש סדרא¹.

Among the persons to whom Responsa are addressed occur the following names: בני קירואן; בני ואדי אלקארי; אלהנן בן

¹ As to the similar title משיי אלקא compare משיי אלקא (Harkavy, *Resp.* 386), the maternal grandfather of Hai, who in all probability was a Babylonian.

שמריה ; בהלול בן יוסף ; משולם בן מרב אנקולונימוס : נחום ; יהודה בן יוסף ; יעקב בן נסים. With the exception of two, Meshullam and Nahum, all these names occur in other collections of Geonic Responsa (comp. especially Harkavy's index to his edition of the Geonic Responsa). Concerning משולם, there can be no doubt that it is the great Meshullam, one of the founders of Jewish learning in Europe during the second half of the tenth century. Our fragment establishes the fact, beyond a doubt, that Italian-French scholars stood in correspondence with the Geonim of Babylonia. The first Responsa by Sherira and his son Hai to Meshullam with reference to the text of the משנה, *Zebahim*, 45 b, is especially interesting, as this reading of the Geonim was transmitted to the teachers of Rashi, and he refers to R. Meshullam in his commentary on *Zebahim*, *ibid.* Our fragment corroborates Rashi's statement and supports him against Tosafot (*Menahot*, 109 b, s. v. בתהילה), who credited Kalonymus, the father of Meshullam, with the emendation of the משנה. It is noteworthy that the name Kalonymus is spelt אנקולונימוס, which suggests a Provençal origin for the name קלונימוס. The description of לוכא as a part of France¹, אשר בארץ פרנגה, is due to the fact that, among the orientals, France was the general name applied to any Christian country of western and central Europe.

The statements summarizing the contents of the Responsa are very brief and vague, and therefore in many cases we are at a loss to say with certainty whether these Responsa are otherwise known or not. The compiler of the index gives only the first five or six words of the Responsa, and the name of the Talmudic treatise referred to in the Responsa. It is therefore obvious that in many cases it is impossible to tell the subjects dealt with in the Responsa. I have nevertheless given references to Responsa that suggested themselves to my mind as parallels, even though I may have been incurring the risk of error.

¹ Natronai Gaon, in שרי צדק, 20 b, no. 12, speaks of "distant countries like Spain and France."

(Fragment 90 ; leaf 1, recto.)

זי משקין¹
 מי שבאה לו שמועה רחוקה לאחר
 זי
 כלי חרש אין לי אלא כלי חרש מנין לרבות²
 זי בתרא³
 והא דאמור רבנן הנהו ערבאי דאתו
 זי בתרא⁴
 והא דאמור רבנן יתיב ר' ירמיה קמיה דר' זי . .
 זא שוטה⁵
 והא דתנו רבנן שלשה פעמים האמורין
 זב חולין⁶
 ולענין השמועה דבעא מיניה רבה בר חאנא
 זג ביצה⁷
 והא דתנן עומד אדם על המוקצה ערב
 זד ביצה⁸
 האשה ששאלה תבלין ומים לעיסתה
 זה שבת
 דחזיתון לנא פירושי שבת דלית ליה
 זו זרה⁹
 והא דאיתמר אבני הר שנדלדלו בני ר' [חייא]
 זו סנהדרין¹⁰
 על חייבי מלקות צריכין התראה להלקותו

¹ *Mo'ed Katan*, 20 a ; Ibn Gajet, *שערי שמחה*, II, 64.² *Torat Kohanim* to Lev. vi. 21, ed. Weiss, 32 d ; Harkavy, *Responsen*, 328.³ *Baba Batra*, 168 b.⁴ The passage referred to is not in *Baba Batra*, but *Berakot*, 30 b, and *Menahot*, 81 b.⁵ *Sotah*, 28 a.⁶ *Hullin*, 48 a. Our texts read 'רבה בר בר ח' and Rabbinowicz, ad loc., does not give any variants.⁷ *Bezah*, IV, 7.⁸ *Ibid.*, V, 4.⁹ *Abodah Zarah*, 46 a.¹⁰ *Sanhedrin*, 40 b-41 a. Comp. Maimonides, *Yad, Hilkot Sanhedrin*, XII, 2 and XVI, 4.

(Fragment 90 ; leaf 1, verso.)

אלדרג אלרבע

שאלות מרב משולם בן מרב אנקולינימוס
ממדינת לוכה אשר בארץ פרנגה לרבנו
שרירא גאון והאיי אב¹ זל

א זבחים²

זה שאנו שונין בזבחים אדם³ ונומו מהו

ב סנהדרין⁴

בארבע מיתות דרך למלך

ג מצעא⁵

ודמפרשי רבנן אסימון מעות הניתנין

ד סוף ברכות⁶

ודאמרינן לענין בית הכסא

ה שבועות⁷

והא דגרסיתון בשבועות בחרישה

ז שבועות וזבחים

ותויב דאמרינן מותר קרבנות צבור⁸

ז גיטין

והא דגרסינן בגיטין דאמ' ליה ר' יוחנן לחוקה⁹

ח הוריות¹⁰

ודאמרינן לענין עכברין אפילו גוגמי גוצי

ט הוריות ~~בגמ' דהוריות~~¹¹

ודקאמ' ליה רבן שמ' בן גמ' ל' נתן נהי

¹ אב בית דין = אב.

² *Zebahim*, 45 b (Mishnah). Comp. introductory note.

³ הרם? Comp. the Talmudic passage referred to in the preceding note.

⁴ *Sanhedrin*, 64 a, Mishnah and Gemara. For nos. 2-4, comp. fragment 1, *J. Q. R.*, XVI, 650-3.

⁵ *Baba Mezia*, 47 b.

⁶ *Berakot*, 62 b.

⁷ *Shebuot*, 6 b. Comp. 'Aruk, s. v. הרש, ed. Kohut, III, 506, and Wertheimer, קהלה שלמה, p. 16.

⁸ *Shebuot*, 10 b, 12 b; Wertheimer, l. c., p. 17.

⁹ *Gittin*, 84 a; Wertheimer, l. c., p. 18.

¹⁰ *Horayot*, 13 a, below. Comp. 'Aruk, s. v. גנזי, II, 233, and Harkavy, 195.

¹¹ *Horayot*, 13 b, below. Comp. 'Aruk, s. v. קצר, where Sherira's Responsum is quoted.

(Fragment 90 ; leaf 2, recto.)

מנחות¹ ;
 והא דגרסינן במנחות אמרי ליה יוחני
 פסחים² יא
 דאמרינן בפסחים בני חבורה נכנסין
 יג בכורות
 ודאמרינן בבכורות משה שתנה ותמ³ . . .
 יד יומא
 דאמרינן בהוציאו לו מדינא בההיא קר . .
 טו יומא⁴
 חוין מבפנים בחדא זימנא גמר
 שתי שאלות אחדת
 משקין⁵
 אלעלופה וסאיר אלאטעמה
 ערכים
 וסאלת איצא ען אמר אלערלה
 שאלה לדוסא גאון זל
 שבת⁶
 פי יציאות השבת שתי
 שאלה לגאון זל
 בתרא
 ראובן תזוג אבנה שמעון
 נסכה בדורה ונסכה ברודים ונסכה . . .
 מחילה ומעשה כתב מן מרב נהום אלה⁷ זן . .
 אלברדאני⁷

¹ *Menahot*, 85 a. Comp. 'Aruk, s. v. יוחני.² *Pesahim*, 89 b, below ; Wertheimer, *l. c.*, p. 19.³ The text seems to be corrupt. Moses is mentioned twice in *Bekorot*, in 44 a and 45 a, but the words following משה give no sense.⁴ *Yoma*, 57 a.⁵ *Mo'ed Katan*, 12 b.⁶ *Shabbat*, 2 a.⁷ Read אלברדאני, as in Fragment 105, Responsum 8. Baradan is a suburb of Bagdad ; see *Yaqut*, I, 552. The ב over אלה is the remnant of בהרא, referring to *Baba Batra*, 147 b.

(Fragment 90 ; leaf 2, verso.)

שאלה לגאון זל ואב זל ערבי
 ושאלה אכר'יהי¹
 כתובות² המשרה את אשתו על ידי שליח
 למרב חזקיה בן שמואל
 ראש סדר נכד פלטוי
 ראש הישיבה מנחה
 שלוחה למרב בהלול
 בן מרב יוסף זצל³ בתרא³
 הנך עיזי דאכלו חושלא בנהרדעא
 אלדרג כאמם
 שאלות מרב אלחנן בן שמריה זצל
 א לרבנו שמואל הכהן גאון זל ביצה⁴
 הרוצה שיתקיימו נכסיו יטע בהן אדר
 ב בתרא⁵
 אמר רב נחמן אמ שמואל בודקין לגיטין ולקידושין
 ג פסחים⁶
 על מה שבערב פסחים גער באומה זו
 ד ביצה⁷
 רבה ורב יוסף דאמרו תרויהו סחופי כסא

¹ The dots are to indicate the reading אכרי והי.² *Ketubot*, V, 8. Comp. the Geonic collection, המרה גנוה, 73.³ *Baba Batra*, 36 a ; 'Aruk, s. v., reads חושלי.⁴ *Bezah*, 15 b.⁵ *Baba Batra*, 156 a.⁶ *Pesahim*, 118 b ; Responsa of the Geonim, ed. Lyck, no. 13.⁷ *Bezah*, 23 a, top.

(Fragment 103 ; leaf 1, recto.)

ז' שבועות¹
 שטר שכת'בו ויהא פל זה נאמן עלי
 ח' מיצעא²
 שטר שאין כתוב בו אחריות הא קימלן
 ט' גטים ומיצעא וסנהדרין³
 שטרא דכת'יביה הכי זכרון עדות
 י' גטים⁴
 כהן קטן שלא הגיע לפרקו מהו שיקרא
 יא' מיצעא⁵
 ראובן ושמעון אחים הוו והיתה להם מצר
 יב' בתרא
 רחל היתה לה חצר שִנְפִּלָה לה בכתובתה
 יג' מיצעא⁶
 ראובן תבעיה לשמ' במאה זוז ואודי שבועות
 יד' שבועות⁷
 אשכחן בספר שבועות שלאדונינו דכת'
 וינבגי אן יעלם אן מן לים לה שטר ולא קנין
 טו' חולין
 נהגו אנשי מקומנו שנוטלין בשר מן הט[בח]
 אלדרג אלכאמם

¹ *Shebuot*, 41 a, 41 b ; 'המדה נ', 88.² *Baba Mezia*, 12 b-13 b.³ *Gittin*, 39 a ; *Baba Mezia*, 100 b ; *Sanhedrin*, 15 a.⁴ *Gittin*, 59 b-60 a ; *Responsa*, Lyck, 94.⁵ *Baba Mezia*, 107, 108 ; *Responsum*, Lyck, 94.⁶ *Baba Mezia*, 3, 4 ; *Harkavy, Responsen*, 184.⁷ שיערי צדק, 72 a, no. 6.

(Fragment 103; leaf 1, verso.)

א לרבנו האי גאון זל קידושין ובתרא¹
נהגו בני קירואן מימות אבותיהם ועד עכשיו
ב בתרא²
ראובן מהלך על רגליו בשוק ובקש לכתוב
ג והדה אלשאלות לר דוסא גאון חולין
אלאספאריה ערבי
ד חולין³
אלנקאנק ערבי איצא
ה שרירא גאון מנחות⁴
פי עמל אלציצית
ז בתרא⁵
ח מן אעתל עלה ווצא בוציה
ז מיעצא⁶
ז פסק דין ידבר פיה חכם אלשפעה פי מא
ח מיעצא⁷
פי פלגא מלוה ופלגא פקודון
אלדרג אלסאדם
שאלות בני ואדי אלקרי לרבנו שרירא
ז גאון והאיי אב זל בתרא⁸
אמ' רב פפא דיקלא ואלום ארעא ואסיק

¹ *Kiddushin*, 47 b; *Baba Batra*, 76 b; Harkavy, 199.² *Baba Batra*, 132 b; Harkavy, 220.³ *Hullin*, 61.⁴ *Menaḥot*, 40-43. This Responsum is found in MS. among the Cambridge Genizah fragments.⁵ *Baba Batra*, 46 b.⁶ *Baba Mezia*, 108 b. Comp. Cassel, חנ"ק, 9.⁷ *Baba Mezia*, 104 b. Comp. *Responsa*, Coronel, 5.⁸ *Baba Batra*, 124 a; Harkavy, 101.

(Fragment 103; leaf 2, recto.)

¹ כתובות

והא דאמ' ריש לקיש המוציא שם רע על

² שנה

לח

פיר' גמ' דהא מתניתין התוקע לתוך הבור

לט' פי אל מנתכלה איצא

³ המלוה את חבירו על המשכון ואבד המשכון

מ'

⁴ ועל דבריו אשר אמרנו בענין המתרגם פסוק⁵ משקין

מא

הא דשלח רב יצחק בר יעקוב בר גיורי מש'

ר' יוחנן אפעלפי שאמרו כלי פשתן אין בהן

⁶ שבת

מב

אם אתה מקניטני גוזרני טומאה אפעל

⁷ חגיגה

מג

הא דאמור רבנן והשתה דנפקא לי מן ולמקצה

⁸ סוף נזירות

מד

הא דתנן אמ' ר' יוסי והלא אין מורה אלא

⁹ כתובות

מה

הא דתנן ר' יהודה או' אפילו עני שבישר' לא יפחות

¹⁰ שבת

מו

והא דאמור רבנן ואם הוציא והכנים בשוגג

¹¹ שבת

מו

הא דאמור רבנן מניחין מיחם על גבי

¹ *Ketubot*, 44 b; Harkavy, 247.² *Rosh ha-Shanah*, 27 b (Mishnah).³ *Baba Me'zia*, 81 b-82 a; *Responsa Mant.*, 65.⁴ *Kiddushin*, 49 a; Harkavy, 248.⁵ *Mo'ed Katan*, 18 a, below; Harkavy, 249.⁶ *Shabbat*, 17 a; Harkavy, 250.⁷ *Hagigah*, 12 b on the top.⁸ *Nazir*, 66 a (Mishnah).⁹ Mishnah, *Ketubot*, IV, 4.¹⁰ *Shabbat*, 6 a.¹¹ *Ibid.*, 51 b.

(Fragment 103; leaf 2, verso.)

מֶחַ כתובות¹
 הָא דתנן ואלו יוצאות שלא בכתובה
 מֶט כתובות¹
 הקולנית שאמ' ר' טרפון הילכתא
 נ כתובות²
 וורד כנגד פניה מהו
 נֶא כתובות³
 הָא דתנן אם יש עמו מרחץ באותה העיר
 נֶב
 מנהאנא דהרבה ממדינות אלמערב דכי בעי⁴
 איניש ליכנס לארוסתו בבית חמיו
 נֶג גטים⁵
 אשכחן בהלכות גדולות גבי גיטא
 נֶד גטים⁵
 פיר' גמ' דהני תרתין הילכאתא שני גיטין
 נֶה שנה⁶
 תשע ברכות דראש שנה קימא לן
 נֶז שנה⁷
 צבורא דאיעכבא להו תפלת המנחה
 נֶז ברכות
 הָא דאימיר בהלכות גדולות ומאן דאיתיה
 נֶח ברכות⁸
 הָא דאמ'ר' חייה בר אבא אמ' ר' יוחנן אנשי
 כנסת הגדולה תיקנו להן ליש' ברכות

¹ *Ketubot*, VII, 6; *Gemara*, 72 a, 72 b; Harkavy, 251, 252.² *Ketubot*, 72 b; Harkavy, 153; cp. *Aruk*, s.v. בהולת הוורד, ed. Kohut, II, 215.³ *Ketubot*, VII, 8.⁴ Read בהרבה מדינות.⁵ Harkavy, 254, 255.⁶ *Ibid.*, 256.⁷ *Rosh ha-Shanah*, 34 b, 35 a; Harkavy, 257.⁸ *Berakot*, 33 a; Harkavy, 259.

(Fragment 104 ; leaf 1, recto.)

קו
 . . .
 דאמרינן ויציאת מצרים גופה מנלן . . .
 קו סנהדרין¹
 הא דתניא מעשיה ברבן גמ' שהיה יושב על גבי
 קה שבועות²
 תנן הפוגמת כתובתה לא תפרע אלא בשבועה
 קו נדה³
 הא דאמ' זעירי מעת לעת שבנדה עושה
 קו בכורות⁴
 דתנו רבנן מנין שאם קרא לתשיעי עשרי
 קח בכוזות⁵
 הא דתנן הקדח פסול ואמר רבא
 קט מיצעא
 ראובן אמ' לאשתו אל תדברי עם פלונית
 קי זבחים⁶
 כל הזבחים שקיבל דמן
 קיא מיצעא
 ראובן הלוח לשמעון אלף וחמש מאות זוזים⁷
 קיב . . . ביצה (?)
 טבח שנשע^ב שלא יתן (?) כל בשר כל

¹ *Sanhedrin*, 11 b.³ *Niddah*, 5 b.⁵ *Ibid.*, 43 b.⁷ Müller, ג"מ, 13.² *Shebuot*, VII, 7.⁴ *Bekorot*, 59 a.⁶ *Zebahim*, II, 1.

(Fragment 104 ; leaf 1, verso.)

בְּכוֹרוֹת¹ קִיז
 הָא דְשָׁאֵל קוֹנְטְרָקוּס הַגְמוֹן אֶת רַבֵּן יוֹחָנָן
 זְרָה² קִיד
 פִּשְׁטוֹ הִישְׁמַעְלִים עַל הַרומִים
 מִיצֵעָא קִיז
 רַאוּבֵן שִׁיגֵר עִם שְׁמִי מִשִּׁי מֵאִי פִּיקְלִיָּה
 קִידוּשִׁין³ קִיז
 רַאוּבֵן קִידֵּשׁ בְּתוֹ קִטְנָה לְבֵן שְׁמִי קִטָּן
 שַׁבָּת⁴ קִיז
 הָא דְאִמִּי רַבָּא עוֹר בַּהֲמָה טַמְאָה
 שַׁבָּת⁵ קִיז
 הָא דְאִמִּי רַב חִיסְדָּא כְּתַב שְׁבִלּוּחוֹת
 חוּלִין⁶ קִיט
 הָא דְתַנִּיא כּוֹלֵן מוֹכְרוֹת
 כָּז כְּתוּבוֹת
 הָא דְתַנּוּ רַבֵּנָן אֶחָד נִכְסִים שִׁישׁ לֵהֵן אַחֲרִיּוֹת
 גְּטִים⁷
 כְּתוּבוֹת קִזָּא
 תַּאֲנִי שִׁילָא שְׁלֹשׁ מִידוֹת בְּנַעֲרָה
 בְּתַרָּא
 כְּתוּבוֹת⁸ קִזָּב
 זֶה אִוְּ זֶה כְּתַב יָדִי

¹ *Bekorot*, 5 a.² *Abodah Zarah*, 8 b ; Harkavy, 45.³ *Responsa Mant.*, 167.⁴ *Shabbat*, 28 a.⁵ *Ibid.*, 104 a.⁶ *Hullin*, 95 a.⁷ I do not find this passage either in *Gittin* or in any other place, but perhaps this was the reading of the Gaon in *Gittin*, 65 a. Comp. also Müller, ג'מ"מ, 97, and *Niddah*, 46 a.⁸ *Ketubot*, II, 4.

(Fragment 104 ; leaf 2, recto.)

פסחים	קסד
	הוא הדין לערלה בשתים שלש
¹ פסחים	קסה
	הא דתנן רביעי גומר עליו את ההלל
² ברכות	קסז
	יחיד המתפלל ואו' יוצר אור כאשר
³ שבועות	קסח
	הא דתנן היו שניהן חשודין חזרה שבועה
⁴ קידושין	קסח
	מצינו נוסחאות כתוב בהן אותיות ובעת
⁵ בתרא	קסט
	הא דאמ' מר בריה דרב יוסף משמ' דרבא בכור
⁶ בתרא	קע
	הא דתנן ר' יהודה ⁷ או' התחתון נותן את
⁶ בתרא	קעא
	הא דאמ' רב אחא בר אדא מש' דעולא תחתון
	קעב דמאי ⁸
	מי שהיו לו עשר שורות של עשר עשר
כתובות	קעג
	יש תקנה למדינתנו שכל אשה שמת בעלה

¹ *Pesahim*, X, 7.² *Berakot*, 21 b ; comp. Seder R. Amram, 4 b, below, and Maimonides *Yad*, *Tefillah*, VI, 17.³ *Shevuot*, VII, 4.⁴ *Kiddushin*, 47 b.⁵ *Baba Batra*, 142 b.⁶ *Baba Me'zia*, X, 2, and the following passage is from *Baba Me'zia*, 117 b. We thus have two passages belonging to our *Baba Me'zia* quoted from *Baba Batra*. This can hardly be explained as a repeated copyist's error. We seem to have here a striking endorsement of the theory advanced by Dr. D. Hoffmann (Berliner and Hoffmann, *Magazin*, VI, 116-117), that what appears in our texts as the last chapter of *Baba Me'zia* is in reality the first chapter of *Baba Batra*.⁷ Our texts have יסי instead of יהודה.⁸ *Demai*, VII, 8.

(Fragment 104 ; leaf 2, verso.)

הדא מא פי אלגו
אלתאני דכר מא
פי אלגו אלתאלת
והו דרג ואחר איצא
נסכה בכט אלכהן שצ
שאלית מר יעקב בן מרב נסים לרבנו
א שרירא גאון והאיי אב זל¹ כתובות
הא דאמ' שמואל אין בין נערות לבגרות
ב יבמות²
מצינו בפירוש מרב אהרן דאמ' דשטר מיאון
ג כתובות³
אשה שגרשה בעלה והחזירה לאלתר
ד כתובות⁴
נהגו רוב אנשי מקומנו שכותבין בכתובתן נאמנות
ה בתרא⁵
בארי⁶ שכתב כל נכסיו לאשתו
ו כתובות⁷
הא דתנן קטנה שהשיאוה אמה או אחיה
ז גמים⁸
הא דתנן נשתתק אמרו לו נכתוב גט

¹ *Ketubot*, 39 a ; Harkavy, 74.² *Yebamot*, 107 a.³ *Ketubot*, 82 b ; *Responsa Mant.*, 179, ש"צ, IV, 12 ; 55 a ?⁴ Harkavy, 224.⁵ *Baba Batra*, 131 b.⁶ i. e. שכיב מרע and who is not a פרי.⁷ *Ketubot*, XI, 6 ; Müller, ג"מ, 12.⁸ *Gittin*, VII, 1.

(Fragment 105 ; leaf 1, verso.)

אלדרג אלתאסע

שאלות מרב יהודה בן מרב יוסף לרבנו
 א הא גאון זצל זרה
 וגדנא לסידנא ראס אלמתיבה זל מסלתין¹
 פי גראד סליק אלגוים

ב זרה

ג אלמסלה אלתאניה אלואצלה עלי יד מרב

ד שוטה²

ה אדא צלת אלגמאעה ולם יכן באלחצרה כהן

ו תעניות³

ז אדא גזר ריים אלמוצע עלי אלגמאעה

ח משקין⁴

ט אדא אמר הדא אלריים בנידוי אנסן

י ברכות

יא אדא בארך שליח צבור פי לילה אלאחר

יב משקין⁶

יג רסומנא פי יום ט' באב הל יגדי בתגייר

יד תעניות

יז ראניא מרב נחום אלחזן אלברדאני קטע עלי

יח פסחים⁷

יט אדא יום י"ד פי ניסן יום אלסבת יגוז

כ מיעצא

כא אדא חלף אנסן לא יאכר קנין אברא

ענדנא פי אלכניסה מוצע מיוחד ללאבילים

משקין⁶

¹ Harkavy, 207.² *Soṭah*, 38.³ *Ta'anit*, 14 a, bot.⁴ *M. Kaṭ.*, 17 a.⁵ *M. Kaṭ.*, 23 a.⁶ Ibn Gaṭet, ש"ש, I, 23, bot.?⁷ *Pesaḥim*, 65 b.

(Fragment 105 ; leaf 2, recto.)

ג
אדא כאן ראש חדש בחול ולאין יקאל אלהינו
ד כתובות
אמראה שכת מן זוגהא אנה יקדר פי
ה תעניות¹
קיל אן באלשם לא יתעשון אלתאמן אכד נהאר
ו נדה
אדא נאם בעל קרי עלי משכב נדה
ז נדה
משכב נדה וזב וזבה ומושבם
ח יבמות²
אלחליצה איגוז יכון מן אלה' אלחאצרין אלאב
ט יבמות³
אדא אמתנע אליבם מן אליבום ואלחליצה
;
אלדי פי אפואה אלנאם אין טומאה ממת
יא יבמות⁴
אדא ולד ממזר פי כם יכתן מן אלנאם
יב שבת⁵
אדא נסי אלכתאן סכין אלכתאנה יום אלסבת
יג בתרא
אדא כאן בין ידי צבי לם יבלג אלתכליף

¹ Deals with מעשרה מסקה, *Ta'anit*, 30 a.² *Yebamot*, 101 a.³ *Comp. Pardes*, 23 c.⁴ *Comp. Tur.*, II, 265.⁵ *Shabbat*, XIX, 1.

(Fragment 105 ; leaf 2, verso.)

יד גטים¹
 אן צאחב אלהלכות גדולות קאל . . שפוסל
 טו שבועות
 ראובן טאלב שמ' בדינרין ונצף וכתב
 יז גטים¹
 החוגגים הישמעאלים לא יבואו למצרים
 יז גטים²
 ראובן והב רבע לה לשמ' מתנה גמורה
 אלדרג אלתאני עשר
 שאלות לרבנו האיי זל
 א וצלתה מן אלבצרה בתרא³
 תלאמדה גלסו פי דאר ראס מתיבה סורא
 ותנו מעה המוכר את הבית לא מכר
 ב בתרא³
 ומכתשת קבועה אבל לא את החקוזה
 ג ו ד בתרא³
 בעד הלסית⁴ ומצולה
 ה בתרא³
 ים וממל שנשאו ונתנו
 ו בתרא³
 על האמור בתלמוד מן התוספה תנו רבנן
 המוכר את בית הבר מכר את הסירים⁵

¹ Harkavy, *Responsen*, 312.² *Ibid.*, 313.³ *Baba Batra*, 65 b-67 b.⁴ Our texts have חילסית ; Rabbinoviez records also חילסית and חילסית.⁵ Read נסרים ? Comp. Rabbinoviez, ad loc.

NOTE.

In the JEWISH QUARTERLY REVIEW, XVII, 281, I omitted an Arabic Responsum from Fragment IV, leaf 6, verso, having been led to suppose that it was one of a group of like Responsa, which I had expected to produce all together. I now find it to be an isolated specimen, and therefore am constrained to add it as an appendix to the present article. The original Arabic text and a Hebrew translation¹ follow herewith:—

לרבנו האי זל

סיאלנא ען אלזב הל יגוז לה אן ידכל אלי אלכניסה פי אוקאת אלצלאלה פדכרנא
אנה יגוז אן ידכל אלי אלכניסה פי וקת אגתמאע אלציבור ואלצלאלה לכנה
י[פרד לה] מוצע ולא יכון מלתזקא באלנאם פי וקת אגתמאע אלציבור
ואלצלאלה לכנה יפרד לה ~~מוצעת~~² שיא יכון וחדה גאלסא עליה ולא יכון
מזינא בל יכון שעתא פי זיה ומן יראה קד אקבל אלי חיתהו ממן לא יערפה
אן יכון גאעלא יחדרה מן אלאלתזאק בה אלי אן יתפצל אללה בוהוב עאפיתה
וטוהארטה ויגוז לה אלתזויג ולא יחרם דלך

Hebrew Translation.

וששאלתם על הזב אם מותר להכנס אל בית הכנסת בזמן התפלה.
כבר זכרנו שמותר לו להכנס אל בית הכנסת בזמן התקבץ
הציבור ובזמן התפלה. אבל יוחד לו מקום ואל יהי לו מגע עם
האנשים בעת התקבץ הציבור ובזמן התפלה. אבל יוחד לו
איזה דבר שישב עליו בלבדו. ואל יקשט את עצמו אלא יהא מנוול
במראהו. ואם יראה איש אשר לא יכירהו שיתקרב אליו יתחיל
להזהירו לבלי נגוע בו עד אשר ירחם אלהים עליו ויחזירהו
לבריאותו ולטהרתו. ומותר בנשואין³ ואין אסור בזה

¹ I beg to acknowledge my indebtedness to my friend and colleague, Dr. I. Friedlaender for his kind assistance in translating the Arabic into Hebrew.

² The copyist, under the influence of the preceding line, wrote 'מוצע' instead of שיא, but noticed his error in time.

³ The Arabic text has הוויג "marriage," and according to it I have נשואין in the Hebrew. But perhaps הוויג = Aramaic וויג, which in later Rabbinic is used in the same sense as השמיש המטה. The question put to the Gaon would then have some justification, as there are cases where a person in a state of impurity is אסור בה"מ. Comp. *Mo'ed Katan*, 15 b, and Pinsker, לק"מ, supplement, p. 32, below.

VIII.

FRAGMENT 2634, MS. Heb. C 18, ff. 35-38, Bodl. This fragment consists of a quire of four leaves, written in Syr. square characters, 4to, vellum. Though the writing is largely obliterated, the missing portions can readily be supplied, as will appear from an examination of the dotted words in the appended copy of the fragment. It must have belonged to a collection of Geonic Responsa, eight of which are preserved in our fragment. No author is mentioned, the seventh alone being elsewhere ascribed to Sherira, and the only indication of the time of the fragment is afforded by the reference made to the Gaon Zadok (about 823), leaf 38, recto, line 10.

The first Responsum in this fragment deals with a peculiar modification of the law of dowry and jointure, as it was developed in certain places outside of Babylonia. In these places it was customary for the bridegroom to sign a contract in which his future wife's dowry, together with such gifts as he himself made to her at their marriage, were set down and appraised greatly beyond their actual value¹, and the provision was made that, on the decease of the husband, or in the event of divorce, the woman was to receive the fictitious amount therein mentioned. This practice led to much litigation, and in many cases worked injustice to the heirs of the dead man. The Gaon, questioned as to how the real value was to be determined, advised strongly that the custom, which he describes as "robbery" and "deception," be entirely abolished, and the practice prevailing in the academies of Babylonia and in the places under their jurisdiction be adopted in its stead. The Gaon feels so strongly upon the subject that he quotes the form of contract in use in Babylonia. As this is probably the oldest form of the כתובה containing a jointure provision, it deserves to be translated here.

¹ Comp. העיר בכתובותיהם פעמים שמכנסות : 16, No. 56^a, שגרי צדק, p. 56^a.
בגרוניא דבר מוצט וכותבין להן ממון הרבה כפלי כפלים במה שהביאה.

After an introduction, in which he lays stress upon the fact that the appraisal of the articles mentioned in the contract is strictly in accordance with their real value, the Gaon continues (leaf 35 verso, lines 7-13): "And this is the dowry which she brought to him: jewellery and ornaments of such and such value; wearing apparel of such and such value; and pillows and bedding of such and such value; and N. N. [the bridegroom] has consented to add to the prescribed marriage portion [כתובה] silk of such and such value; necklaces (?) of such and such value; wearing apparel of such and such value; and garments of such and such value. The above-mentioned N. N. takes upon himself and his heirs after him the obligation to pay out the value of this marriage portion, together with the addition made by himself. And this dowry has been delivered to the bridegroom, and it has been clearly seen [by the witnesses] that its value is exactly as herein set down."

The second Responsum likewise deals with the law of dowry. The Gaon was called upon to decide a case in which a creditor lays claim to the dowry of the debtor's widow. The peculiar feature was that though at the time of the man's death the husband and wife lived in harmony, there had been a quarrel, on account of which the woman had carried away, out of her husband's house, all granted her by her dower rights, and had deposited it with a third party to secure it against her husband. After this occurrence the man contracted a debt, and then happened his death, the dowry articles all this time remaining in the safe-keeping of the appointed guardian. The Gaon decides that the creditor cannot claim them in payment of the money owing to him, in view of the fact that the debt owing to the woman, that is, her dower rights, antedated the debt owing to him. He states explicitly that this decision was not influenced by the fact that the dowry had been deposited outside of her husband's house; in all cases the widow is the preferred creditor.

The third Responsum treats of a case classified as usury. Peddlers were in the habit of bartering junk, flax, wool, &c., purchased in the city, for wheat, barley, and other country produce. The wares they carried with them to the country were purchased with borrowed money, and they stipulated to repay the debt in kind: for a certain sum loaned the creditor would receive a number of measures of wheat, or other produce. In the interval between the contracting of the debt and its payment on the return of the peddlers, the price of natural products would rise, the benefit of the augmented market value accruing, however, entirely to the creditors, and not at all to the peddler-debtors. The Gaon condemned the practice as usurious, and decided that an arrangement for the payment of a debt in kind was permissible only if the produce was at hand.

The fourth Responsum deals with the law of slavery. If a Jewish master has had a Christian slave for a twelve-month, and his efforts to induce him to accept Judaism have been unavailing, he must dismiss him. The same decision occurs in several other Gaonic Responsa not identical with ours¹.

The fifth Responsum warns against resorting to a legal fiction in order to evade the law of Sabbath rest, even as applying to domestic animals. A man is not permitted, the Responsum says, to lend his cattle to a non-Jewish neighbour, who will make use of them, over a holiday or a Sabbath; nor is he permitted to dispose of them by mock sale, for if the law refuses to countenance a legal fiction in the case of usury and castration, surely the Sabbath law, which transcends these in importance, must be guarded against even the shadow of an infringement. Though this is a subject frequently dealt with in the Geonic Responsa literature², yet the Responsum under discussion occurs in no other place.

¹ Comp., for instance, ש"ט, p. 26^a, No. 21; Müller, משה, pp. 127, 132, 215, and 270.

² Comp. הלכות פסוקה, ed. Müller, p. 66, No. 125, and קהלת שלמה, pp. 16-19 of the Introduction, and pp. 52-62 in the body of the book.

The sixth Responsum deals with two phases of the law of slavery. It decides, first, that an oral declaration before witnesses, by the master, that a certain slave belonging to him has been manumitted, is binding upon the heirs of the master; in case he should die before he writes the bill of emancipation, they are compelled to give the slave his liberty by executing the written instrument. In other words, in Jewish law the execution of the bill may be but a second step in the process of manumission, the first step having been the oral declaration before witnesses. Furthermore, the manumission of a slave, whether by oral declaration or by a written instrument, need not be in Hebrew; any other language will do as well. In substantiation of this decision, the Gaon refers to an interesting historical fact. He tells us (leaf 38, recto, lines 7-11): "It is related of Nathan ben Shahriar¹, a member of the family of the Exilarch, that on his death-bed he issued the order, in Arabic, that his male slave N. N., and his female slave N. N., were not to be owned by any one after his death. There were only these words, no formality customary in such acts was observed, and no written instrument was executed. The matter came before our lord, the light of our eyes, our master Rab Zadok Gaon, may his soul rest in Paradise, and he decided that according to law they must be set free, and he compelled the heir of Nathan, Shemaiah, who was the son of Isaac², the Resh Galuta, to write a bill of manumission."

The law of slavery is also dealt with in the seventh Responsum, the only one in our fragment found elsewhere, namely, in שְׁעָרֵי צֶדֶק, p. 26^b, No. 29, where it is ascribed to Sherira. The question considered is the sort of extraneous indications that may be accepted as proof of the emancipation of a slave in cases in which no bill has been made out. A man had sent a slave of his to school, and had had him taught the reading of the Torah and the Prophets, and

¹ Comp., Schechter, *Saadyana*, pp. 75-7.

² Usually known by his Persian-Hebrew name, אִיסְקָי.

later the slave had been married with all the ceremonial observed at the marriage of a free man, as, for instance, the recital of the "seven blessings." On the death of the master, who left a young son, the slave insisted that these circumstances indicated his emancipation. The matter was brought before the court, which finally granted him his liberty, in order to secure to the heir the dead man's fortune, which had been entrusted to the slave. The Gaon considered the decision of the court not justifiable. That he had educated him and had his marriage ceremony performed as though he had been freed, had been reprehensible acts, but they could not be adduced as proofs of manumission. Reading of the Law before a congregation might have been accepted as such proof, but not mere ability to read the Scriptures.

The eighth Responsum is in an incomplete condition, and deals with the hermeneutic rule, שני כתובים הבאים כאחד אין מלמדין.

(Leaf 35, recto.)

עצמו בדין הוא שיכולין למחות על ידו ושכתבת מנהג שלנו כשאנו
 נוסאין אשה בשעת נישואין יתן לה אביה בגדים ותכשיטין ואנו שמין את
 הבגדים יתר על דמיהם ועומד חתן ונותן לה במתנה כך וכך זהובים ותחזור
 בלה ותשים אותן במתנה עם מה שהאביאה¹ מבית אביה בנדוניה שלה
 5 ויכתבו עליו שטר בממון הרבה ושטר מחוזק ומקוים בקינין ויכתבו על
 החתן שטר מקוים ונעשה צאן ברזל אם מת תטול הכל כל מה שכתבו בכתובתה
 או לא או אם תתגרש שתטל הכל או לא או אם אמדה
 הוזהובים הכתובים בכתובתה או תטול בגדים שהביאה מבית אביה ואם
 מן הדין שתטול מה שהביאה באיזה שומא תטל אותם בשומא דאשמוזי בשעת הנשואין
 10 או במה שומין עכשיו אם תטל נדוניה שלה שלם ומפס
 בלבד מאתים כספים יליף מרנא כך ראינו שמנהג שלכם משונה ממה שנהוג
 בכל מקומות ישראל ואין מנהג רע ומכוער ממנהג שלכם
 ויש בו משום גזל ויש בו משום גנבת דעת . . שמתקהלים
 ויושבים זקני ישראל במסיבה וכותב אבי בלה בגדים מאה מנה במאה וחמישים
 15 ושוי אלף באלף וחמש מאות על חתן עשוק וכותבין שטר מקוים ומחוזק
 עליו מה אתם אומ' בנפשיכם ולא עוד אלא נותן לה אלף זוז במתנה ומעורבתן
 עם מה שנתן לה אביה וקורא אותן נדוניה ונדוניה שלה הוא לאחר שנתן
 לה אלף זוז קורא אותו נדוניה וחוזרת וכותבת עליו שטר באילו ואילו וקורא
 אותו שלה אם כן לדבריהם הוא אין לו תוספה כלל לא כך אנו אומרין כמה
 20 פעמים בתלמוד² עיקר כתובה ותוספת כתובה היכן היא תוספת בתובה שלו
 ואם תאמר חוזר וכותב עליו זה שנתן לה במתנה אחר ממנו ויקרא על שמה

¹ Read שהביאה.² Ketubot, 90 a, and in many other places.

(Leaf 35, verso.)

ולא עוד אלא שחוזרת וכותבת עליו נדוניא אין אנו יכולין לדון בכך
ועוד כיון שיש שום שלשקר היאך אפשר לעמוד על שיעור שום זה
פעמים ששמן מאה במאה וחמשים ויש ששם מאה במאתים יש ששם
מאה במאה ושלשים כיון שאין הדבר באמת היא אין לו קיצבה לשום
של . . . היאך אפשר לפסיק הלכה בדבר מנהג בישיבות ובבבל ובכל 5
מקומות ישראל בן הוא משנתן לה אביה לכלה שמין אותו בעדים באמת
וצדק מה ששוין וקוראין נדוניא וכותבין בשטר כתובה ודין נדוניא
דהנעלת עלוהי מן דילה תכשיטין כך וכך בגדים כך וכך כרים וכסתות
כך וכך וצבי פלוני דנן ואוסיף על כתובתה שירי מן בן וכן פתיכתא¹ כבלי
מן בן כן מאני דלבושא שוי בן כן וכסויא שוי בין בין וקבל פלוני דנן 10
אחריות כתובתה דא ותוספתה עלוהי ועל ירתוהי בתרוהי ואיתהנפק
נדוניא דא ליד חתנא וחזינע דשאווי הדין שומא דמפרש לעילא דכיון
דכתבין הכין בתרכן כד מגרש לה לא יכיל למיטען ומימר דלא הוה
שאווי ההיא נדוניא ההיא שומא דכתבי עלאי ואנא משתבענא ומפקענא
דאמרין ליה כבר מפרש בכתובה דשמניה ודאי שאוי ויהיב ליה כל דכת'¹⁵
בכתיבה מיהא לית לה למשקל דינרי עינא אלא שמין כל בגדים שלה ואפילו
בלאות שעליה דאמרין² אלמנה רב אמ' שמין מה שעליה ושמואל אמ' אין
שמין מה שעליה והילכתא כרב ואם היא מורדת אין לה אלא נדוניא בלבד
נוטלת כמות שהוא ויוצאה בין שישנו כמות שהן בן שבלו עד למחצה
ועד לשליש ועד לרביע³: ואם עשתה את נדוניה צאן ברזל על בעלה שמין 20
אותו בשעת יציאתה מביתה מה שחסרו נוטלתן בעיניהם והחסרון בין תיים⁴

¹ פתיכתא is certainly identical with פתיכתא, *Kiddushin*, 9^a, the meaning of which is, however, doubtful; comp. Rashi, ad loc., and 'Aruk, s. v. חמר (ed. Kohut III, 437). I think that כבלי in our text is the explanation given by a glossator to פתיכתא, which he takes to be a kind of necklace.

² *Ketubot*, 54 a.

³ *Ketubot*, 63 b, below, to 64 a.

⁴ Read בניתיים.

(Leaf 36, recto.)

משלם בעלה: ¹ ומנהג זה ששאלת אם מת תטול כל שכתב לה בכתובתה ובלבד שיהו
 בגדים שהביאה קיימין תטול אותן בעיניהם באותו שום שלעיל שמתחילה והפחות
 בין תיים ² ישלמו יורשים וכין אם גרשה כך הוא הדין אבל אם מרדה אין לה אילא
 בגדים ותכשיטין שנתן לה אביה וששאלת ראובן שהיתה לו אשה ונפל קטטה
 5 ביניהם ונטלה בגדיה ותכשיטי הבעל והלכה לבית אביה אמרה מתיראה אני מבעלי
 זה שיאכל כל מה שהבאתי מבית אבה ויפסיד כל מה שיש לי ואחר כך מוציאני
 מביתו ואין לו מה שאפרע ממנו אילא נפקיד בגדים ותכשיטין על יד שלישי שלא
 יטול אותם וצעה בעל בכך והשלישו אותם ועשה שלום עם אשתו ואחר כך
 לזה ראובן ממון מבני אדם ואכל ומת ובא בעל חוב לתבוע ממנו והאשה לתבוע
 כתובתה ונדוניה שלה: אותן בגדים ותכשיטין שהשלישו האויא תפיסה מחיים
 10 או לא יש לו לבעל חוב לגבות מהן אולא או דילמא כיון דתפס תפס כך ראינו
 שאותו בעל חוב אין לו לגבות עד שתיגבה אשה כתובתה מפני שכתוב בשאלה
 לאחר שעשה שלום עם אשתו לזה ונעשה שטר כתובת אשתו קודם כמה שנים
 למלוה שלזה ושנינו ³ מי שהיה נסוי ⁴ ארבע נשים ומת הראשונה קודמת לשניה
 15 ושניה לשלישית ושלישית לרביעית אלמה כל דקאדים קאדים גאבי וקאמרינן
 ברישיה ⁵ מדקתני הראשונה קודמת לשנייה ולא קתני ראשנה יש לה שנייה
 אין לה מיכלל דאי קדם שנייה ותפס לא מפקינן מנה שמעת מינה בעל חוב מאוחר
 שקדם וגבה מה שגבה גבה לעולם אימ' לך מה שגבה לא גבה ומאי קודמת לגמרי
 כידתנן בן קודם לבת שוויה רבנן לבעל חוב מוקדם לגבי בעל חוב מאוחר כבן
 20 לגבי בת דכמא דאיכא בן לא שקלא בת בעלי חובות נמי עד דמשתלם בעל חוב
 ראשון לא גב בעל חוב שיני מידי מן חוב דיליה והכא ודאי אשה אי ⁶ קודמת

¹ This view is not accepted by all the authorities, comp. Ashri, Nachmanides, and R. S. B. A. to *Ketubot*, 63 b-64 a, and Jacob ben Asher, *Tur Eben ha-Ezer*, LXXVII.

² בינתיים.

⁴ נשוי.

⁶ Read ו.

³ *Ketubot*, X, 5, 93 b.

⁵ *Ketubot*, 90 a.

(Leaf 36, verso.)

איזה הוא נשך¹

לפני בעל חוב הילכך תיפרע כל כתובתה ואם יותר הדבר יפרע בעלחוב וביון
 דהבין הוא מה לי תפס מחיים מה לי לא תפס כלל בין כך ובין כך כתובה שלאשה זו
 קודמת לבעל חוב זה בין תפסה בין לא תפסה בין מקרקע בין מן מטלטלי ושאלת
 סוחרין מחורין בעיירות ובכפרים ומוכרין גרוטאות ופשתן וצמר ובשמים וקובצין
 חטים ושעורים ושעור ושאר דברים ונוטלין ממון מבעלי בתים על שעה ועל חטין
 5 ושעורין ופוסקין עמהן כך וכך קפיוזים בדינר ונוטלין ממון וקונין מקח זה ומוכרין
 להן ומרויחין כשפורעין את הפירות הוקרו מותר לתן להן פירות או יתנו להן
 ממונם ובעלי בתים כבר עיכבו ממונם בידם זמן הרבה אם תאמר יחזירו להם ממונם
 לא ימצא להם ממון ותנעל דלת בפני לוי ואם יתנו להם כמה שפסקו אסור
 10 או מותר שמ ביוקר והרויח בעל ממון היאך נפסיק ביניהם כך הוא
 הדין בעלי בתים אילו שנותנין ממון לסוחרים אילו ופוסקין עמהן כך כך קפיוזים
 בדינר אם בשעה שיתנו להם ממון ישנן לאותן חטין ושעורין בבתיהם ואפילו
 קצת מ שרוצין ואפילו כפליים דקאמרינן כולם יש לו מותר
 ואם אין להם בבתיהם אסור² דקאמרינן אין לו אסור והקילו חכמין בדבר זה דקא
 15 אמרינן³ אמ' רב הונא יש לו סאה לזה סאה סאתים לזה סאתים ור' יצחק אמ' אפילו
 אין לו אלא סאה⁴ לזה על זה כמה כורין והלכה כר' יצחק דקאתי ר' חייה כואתיה
 דקאמרינן תאני ר' חייה לסיועיה לר' יצחק טיפת יין אין לו טיפת שמן אין לו
 הא יש לו לזה עליה כמה טיפין אבל ודאי כדבר זה מלוין להן זהובים ואחר כך
 הולכין לעיירות וחטין ושעורין ושאר מינין אסור לעשות כן שריבית
 20 גמורה היא ואפילו יש להם לסוחרים על אנשים בעיירות ובכפרים חטין ושעורים
 ועדאן לא גבאום ולא קבצום אסור ללות עליהן ולקבץ דמיהן דקאמרינן אמא⁵

¹ These three words at the top of the page are written by a later hand, evidently a memorandum, referring to the chapter איזה הוא נשך of the treatise *Baba Mezia*, treating of the laws of רבית, under which the Gaon classifies the case put to him.

² *Baba Mezia*, 63 a.

³ *Baba Mezia*, 75 a.

⁴ This is the reading of different MSS. of the Talmud, the printed text reads : יס לו סאה ; comp. Rabbino-wicz, *var. lectiones*, ad loc.

⁵ אמר.

(Leaf 37, recto.)

ראבא האי מאן דיהב זוזי לקוראה וקא אזלן שערי שער' ארבעה ארבעה וקן ליה
 הוא חמשה חמשה אי אית ליה שרי ואי לא אסירי פשיטא לא צריכא דאית ליה אשראי
 מהו דתימא כי עד שיבוא בני או עד שנמצא המפתח דאמי ושרי קמש' לן כיון דמחסרן
 גוביאנא אסירי¹ ואפילו מאן דאית ליה פירי בארעיה וקא מיזדבנין בחד שיעורא אסור
 5 למיקן ליה למלוה טפי מן ההיא שיעורא דאמ' ראבא האי מאן דיהב זוזי לגינאה
 למיזבן קארי וקאמיזדבנין עשרה קארי בני זרתא וזרתא ואמל' יהיבנא לך עשרה בני
 גרמידא גרמידא דאי איתנין בההיא שעתא שרו ואילא אסור פשיטא מהו דתימא
 כיון דמימילה קאראבי שרי קמש' לן כיון דליתנין בעידנא דקא שקיל זוזא אסור²
 ואם תאמ' משום דעיכבו ממונם בידם אם כין אגר נטר לי קאשקלין האמ' רב נחמן
 כללה דריביתא כל אגר נטר לי אסור¹ מן הלין טעמי דינא הוא דמהדרי להון ממונא
 10 בעיניה או דפסקין בהדיהין כי היכין דניחא קמי שמיא וקאים תרעא לעלמא
 דקא אמרינן לוין על שער שבשוק וכן הלכה ומי שיש לו עבד נצרי וגילגל
 עמו שנים עשר חדש ולא רצה למול אסור לו להשהותו ומוכרו לאלתר
 דאמ' ר'³ יהושע בן לוי הלוקח עבד מן הגוי ולא רצה למול מגלגל עמו שנים עשר
 15 חדש וחוזר ומוכרו לגוים וכך הלכה ואי קשיא לך אמרוה³ רבנן קמי דרב פפא כמאן
 דלא בר' עקיבא ההיא דר' עקיבא סובר לא מקיימין כלל דתנו רבנן מקיימין עבדים
 שאינן מולין דברי ר' ישמעאל ר' עקיבא או' אין מקיימין דאפילו שנים עשר חודש
 אין מקיימין והלכה כר' יהושע בן לוי ואסיר ליה לישראל להשכיר בהמתו לגוי
 לרכוב עליה בין ביום טוב בין בשבת מפני שמצווה ישראל על שביתת בהמתו
 ושורך וחמורך וכל בהמתך
 20 כעצמו שנ' אתה ובנך ובתך ועבדך ואמתך ובהמתך וכתוב למען ינוח שורך
 וחמורך וכ' ולהערים ולמכור בהמה לגוי מערב שבת ולחזור וללוקחה למוצאי

¹ *Baba Me'zia*, 63 b, the text of the Talmud as given here differs from the printed one and also from the reading found in MSS. Notice especially ראבא instead of נחמן, and comp. *Tosafot*, s. v. ואמר.

² *Baba Me'zia*, 64 a.

³ *Yebamot*, 48 b.

(Leaf 37, verso.)

שבת אסור איסור גמור השתא הערמת ריבית שאסור ממון הוא ואסור¹ סירוס
 בחוצה לארץ שהוא איסור קל הערמה דילהין איסור² הערמה דשבת דאיסורה
 איסור חמור ומוזהרין עליה בכל התורה על אחת כמה שהערמה אסור וששאלת
 אדם בארי³ שאמר לשני עדים היו עלי עדים ששיחרתי את עבדו זה ואת שפחתי
 זאת בפניהם ולא קנו מידו ולא כתב להם גט חירות וש לו לחזור עליהם ולהשתעבד
 בהם או לא קנינן מהני בגט חירות או לא אי נמי כתב להם בלשון ישמעלים שפחתי
 זו ועבדי זה הן בני חורין ואין בו קנין יצאו לחירות או לא כך ראינו דקנינן מהני
 בגט חירות טובא ולמאי הילכתה דאי קני מיניה כותבין גט חירות ואי לא קני מיניה
 אי אמר אית לכון רשותא למיכתב גט חירות כתבין ואי לא כתבין אבל
 לחזור ולהשתעבד בהם אינו יכול ויצאו לחירות מאי טע' כיון דאמר לעדים היו
 עלי עדים ששיחרתי את עבדי ואת שפחתי זאת מאלתר דנפקו להו לחירות
 דקאמרינן⁴ כיאתא רב דימי אמ' ר' יוחנן מי שאמר בשעת מיתתו פלונת שפחתי
 אל ישתעבדו כה לאחר מותי כופין את היורשום וכותבין להם⁵ גט שחרור ואמרינן⁴
 אמ' אמימר
 המפקיר עבדו ומת אותו עבד⁶ אין לו תקנה אמל' רב אשי לאמימר וה' כי אתא רב
 דימי אמ' ר' יוחנן⁷ מי שאמר בשעת מיתתו וכו' אמל' אמימר דרב דימי טעותא
 היא אמל' ר' אשי מאי טעותא דלא אמ' בלשון שחרור האמ' בלשון שחרור הכי
 נמי דהאוי בן חורין ואמרינן⁴ דסקרתא דעבדי דאיזדבין לגוים כלו מארואתהו
 בתראי אתו לקמיה דרבינא אמ' להו¹⁰ איזלו הדרו על בני מרואתכון קמאי די
 דיכותבון לכון גיטא דחירותא אמרו ליה רבנן לרבינא והאמ' אמימר המפקיר
 עבדו ומת אותו עבד⁶ אין לו תקנה אמ' להו רבינא אנא כרב דימי סבירא לי
 אמרו ליה והא דרב דימו טעותא היא אמ' להו ומאי טעותא רלא אמ' בלושון שחרור

¹ *Baba Mezia*, 62 b.² *Baba Mezia*, 90 b ; instead of איסור read אסיר.³ בארי is one who is not a כרע, concerning whom reference is made further on, line 12.⁴ *Gittin*, 40 a.⁵ Read לה.⁶ The editions of the Talmud read העבד.⁷ From מי till אמימר is missing in the editions.⁸ הא אמרה = רב אשי.¹⁰ Editions : וזלו אהדרו אנני מרוותא קמאי ויכתבו לנו.

(Leaf 38, recto.)

האמ' ¹ בלשון שחרור הכי נמי: שמעינן מן הלין שמעתתא דכיון דר' יוחנן ורב
 אשי ורבינא דבתראי אינון ² הכין קאמרינ דכי אמ' בלשין שחרור יצא לחירות
 הילכתה כואתיהון וליתה לדאמימר דאמל' ³ לרב אשי אנא כשמואל בר יהודה
 סבירא לי הילכך אדם זה שאמר לשני עדים היו עלי עדים ששיחרתי את פל'
 עבדי ואת שפחתי זאת יצאו לחירות וכופין את יורשיו וכותבין להן גט 5
 שחרור: וששאלת אי נמי כתב להם בלשון ישמעלים הן בני חורין ואין קינין
 יצאו לחירות אולא: כך היה מעשה באחד מן בני נשיאה ושמו נתן בר שהריאר
 והיו לו עבד ושפחה וצוה ואמר פל' עבדי ופל' שפחתי לא ימליכהום אחד מן
 בעדי ⁴ ולא קינין הוה ולא גט חירות הוה ואתא לקמי אדונינו מאור עינינו מר רב
 צדוק גאון ניחא נפשיה בגן עדן ופסק להו דינא דיצאו לחירות וכפייה ליורש 10
 דנתן שמעיה בריה דיצחק ראש גלותא וכתב להון גיטא דחירותא וששאלת
 ראובן היה לו עבד ושפחה והולידו בן עמד ראובן נטל את הבן והכניסו לבית
 הסופר וקרא תורה נביאים והיו אותן עבדים ושפחות ⁵ משמשמים את אדוניהם
 והיה ממון האדון ביד העבד עמדו עשרה מישראל וברכו לעבד ושפחה
 שבע ברכות בפני האדון ולא אמר להם כלום והולידו בנים לאחר מכן ולא אמר 15
 האדון אתם בני חורין ולא כתב להם גט חירות ומת האדון ועמדו בית דין ועשו
 פשרה עם העבד שלא יאבד ממון המת וכתבו לו גט חירות ויש לו לאדון בן קטן
 בשיגדול הבן יכול להחזירו לעבד לעבדות או לא אותה ברכת חתנים מועלת
 להם או לא: וגט שנתנו להם בית דין מועל להם או לא כך ראינו שאותו הבן
 שהכניסו רבו לבית הספר וקרה תורה נביאים לא יפה עשה רבו שלימדו תורה 20

¹ = אמרה.² The words ר' אשי ורבינא דבתראי אינון refer to ר' only.³ *Gittin*, 40 a.⁴ Arabic: لا يملكهم احد من بعدى.⁵ Read והיו אותו העבד והשפחה.

(Leaf 38, verso.)

ראמ' ר' יהושע בן לוי אסור לאדם שילמד את עבדו תורה¹ מיהא אף על פי
 שקרא תורה ונביאים עדאן² עבד גמור הוא ואם תאמר דקא קשיא היא
 דתניא³ או שקרא שלשה פסוקין בבית הכנסת לא יצא לאחרות⁴ היתיר⁵ מיכין
 יצא ההיא כגון שקרא בספר תורה בעת תפילה בפני ציבור דההוא ודאי כיון
 5 דצלי בהדי בעשרה וקרא בספר תורה אמרינן דשווייה רביה בן חורין מירי
 דהוה אתפילין דקא אמרינן³ בשרבו הניח לו תפילין דיצא לחירות אבל בן
 עבד זה עדאן² עבד גמור הוא : ואביו ואמו וכל בניהם עבדים גמורים הם ואין
 מועלת להן אותה ברכת חתנים שבירכו להן אותן עשרה ישראל ולא יפה עשו
 אותן ישראל שהוציאו שם שמים לבטלה דכי אמרינן³ בשרבו השיאו אשה
 10 דוקא אשה בת ישראל דנפקא לחירות דאמרינן מי איכא מידי דלעבדיה לא
 מעבד ליה איסורא וחוא עבד איסורא אבל כי האי מעשה לא נפק לחירות :
 הגט חירות שכתבו לו בבית דין לא עשו ולא כלים : על פי מי כתבו להן ארון
 לא שחררו ולא נתן להם רשות לכתוב לו יורשים לא עשאו בני חורון הם
 מעצמן עשו ולא עשו ולא כלום לפיכך אותו עבד ושפחה וכל ולד שלהן
 15 עבדים גמורים הם וששאלת שני כתובים הבאים כאחד אין מלמדין⁶ מאי
 פירושה תרין קראי דמפרשין חד פירושא וחד מילתא ואף על גב דאיכא
 בתלמודא טובא ולא איפשר לפרישנון לכולהון אלא פרישנא לך חד מות
 יומת המכה⁷ אין לי אלא במיתה הכתובה בו מנין שאם אי אתה יכול להמיתו
 במיתה הכתובה בו שאתה ממיתו בכל דבר שאתה יכול להמיתו תלמוד לומר
 20 מות יומת המכה מכל מקום : וכת' בנואל הדם הוא ימית את הרוצח מצוה ב

¹ *Ketubot*, 28 a.² עדיין =.³ *Gittin*, 40 a.⁴ Read לחירות.⁵ הא יתיר =.⁶ *Kiddushin*, 58 a, and in many other passages.⁷ *Baba Mezia*, 31 b.

LOUIS GINZBERG.

LEON GORDON AS A POET.

I.

Epic Poems.

THE tribute paid to Oliver Goldsmith that there was not a department of literature he did not touch upon, and that he touched nothing without adorning it, may with justice be applied to Gordon also. Whatever he wrote bore the stamp of so pronounced an originality as to be recognized immediately as belonging to him; for imitation was travesty. His stories and sketches mirror the life he saw around him, and move us now to tears, now to smiles, according to the fancy of the writer. But neither his stories nor his sketches, humorous to the extreme, add anything to Gordon's fame; they only show his versatility. To another man these minor productions of Gordon would have been sufficient to establish a literary reputation, but Gordon's fame rests solely on his poetic works, to which we shall now direct our attention. A few introductory remarks about the development of modern Hebrew poetry will, we hope, not be superfluous.

Ever since the close of the golden period of Hebrew literature in the middle ages, the time of Gabirol, Jehudah Halevi, Charizi and Emanuel the Roman, there was no great singer in Israel, no poet in the true significance of the word. Poetry was confined to liturgical compositions, prayers, praises, supplications, and lamentations. Israel was constantly humbled and persecuted; and the afflictions of the exile found expression in an occasional hymn which sought to affirm Israel's eternal faith in God, or to appeal to divine mercy to put an end to his tribulations. These were adopted in the liturgy, and proved a source of con-

solation and strength to the unhappy children of oppression. The muse was confined to sacred subjects. How could they sing of love, of nature, and of beauty when their life was a series of miseries and tears? Even when brighter days dawned for Israel, the Hebrew muse that had slumbered so long was reluctant to awake. Moses Zacut (sixteenth century) and Moses Hayim Luzzatto (seventeenth century) wrote plays; but while the latter evinced true poetic gifts, the subjects of their compositions had no relation to life, and Zacut's style was not really poetic.

The period of the Measephim (eighteenth century) marks a new departure in Hebrew poetry. Hartwig Wessely, the poet of the period, wrote an epic on Moses, which, in form at least, surpassed all other contemporary poetic compositions in Hebrew. His language is purer and more forcible than that of his predecessors, and his metre is quite flowing and easy. But Wessely was not a creator. The matter was given him; he added nothing of his own, but merely adopted the biblical account of the Exodus with that of the Midrashim, and composed them into a harmonious whole. His pictures do not excite our imagination, nor does his grandiloquence stir our hearts and our feelings. In his original poems he is weak. Outside of the above-mentioned epic, neither he nor his contemporaries wrote on Jewish subjects. Most of the writers of the Measephim and the *בכורי העתים* schools, who tried their hands at verse, composed occasional poems to friends, dukes, or princes, or translated poems from other languages. Though the scope of Hebrew poetry was thus enlarged, verses being written on flowers, birds, pastoral scenes, and the like, they had no relation to Jewish life whatever. Inspired as those writers were with the ideal of preaching culture to their people, "they crowed like cocks to rouse Israel from his slumber, and to announce the dawn of a glorious morning."

Of the considerable bulk of Hebrew poetry up to the second half of the nineteenth century there was little

that had true literary merit. Some wrote correct rhymes, but not poetry, while others wrote in a sort of unintelligible jargon. Nearly all who wrote Hebrew verse in Germany, Galicia, and Italy did not possess a complete mastery of the language. Even S. D. Luzzatto wrote poetry but seldom, and his diction was not invariably pure. Werbel wrote good Hebrew, but his poetic powers were limited; Eichenbaum had more poetic talent, but neither was a poet in the true sense of the word. Among them all there was not one whom we might justly compare with Gabirol or Jehudah Halevi.

Abraham Beer Lebensohn was the first modern Hebrew writer of verse that approaches the ideal of a poet. Unlike his predecessors, the themes of his compositions were not mere abstract notions, or stories from the past. He sang of the beauty of life and nature; of death, of human weal and woe, of poverty, of wealth and pity. His songs bore a practical relation to the life around him. His poems gave expression to the ideals of his time. He endeavoured to inculcate upon his readers the beauty of knowledge, and the possibility of harmonizing religion and science. Moreover, Lebensohn was a perfect master of the Hebrew language. His diction was pure and elevated; he had a true sense for style. He enriched the language by coining new poetic terms based on biblical roots, and both his rhythms and rhymes were finished. He even rises occasionally to the height of true poetry, and such lines show the latent possibilities of the man. But Lebensohn mistook the function of the poet. Beauty of language is what he chiefly aimed at, diction was the all in all to him. His main object was to write a model Hebrew for others to imitate; but he was not possessed of deep feelings. He philosophizes and preaches in his poems, but his words fail to move us. "His words come from the head, not from the heart," as Gordon expresses it. He was a grammarian and a philosopher even in his poems. Besides, his poetry had no direct bearing upon Jewish life. The lamentable condition of his brethren under Alexander I and Nicholas I

did not concern him; he was above the people. His sympathy goes out with humanity, and his poems are Jewish only in so far as they are human. Still, he had added dignity to Hebrew poetry, had created a poetic style, and thus paved the way for the two truly great poets that succeeded him: his own son, Micah Joseph Lebensohn, and Leon Gordon¹.

Micah Joseph Lebensohn was endowed with true poetic gifts, a poet "von Gottes Gnaden." His שירי ציון (*Songs of Zion*) show him as a skilful interpreter of human passions and aspirations, with a profound touch of pathos and a keen appreciation of the beauties of nature. His diction is richly poetic, such, in fact, as the author of the Song of Songs has given us in supreme form. His partial translations of the Aeneid betray sparks of epic possibilities which have something Virgilian in them. Unfortunately, his young life was nipped in its bud; death claimed him before twenty-four summers had hardly shown him the beauties of life. Had he lived, he would undoubtedly have developed into a great national poet. However, it was not given to Hebrew poetry to be enriched by his talents. Happily, Leon Gordon, the friend of his youth, remained to take his place, and he showed what beautiful harmony the Hebrew lyre was capable of when touched by the hand of the master.

Peter Smolensky thus pays his tribute to Gordon, in his forcible Hebrew diction and imagery: "The spirit of poetry struck him with all its might. It created for him expressions which nobody can equal; it opened his eyes to see and to understand, and to paint in faithful colours all that his mind's eye saw. Gordon is a true poet in the fullest meaning of the term, and above all, a Hebrew poet. Poets in other languages, if they do not limit themselves to the drama or narrative poems, sing of birds, of stars, of nature, of spring, of summer and autumn and

¹ See P. Smolensky, וואס ליהודה, in *Hashahar*, X, pp. 458-60; and אדם אדם by אבנר האדורעי in *Hashiloah*, vol. II, pp. 42-48.

cruel winter, when the earth is dressed in a shroud; and through it all there runs an undercurrent of the sighs of the lover and the tears of the beloved, and one hears the piping of the shepherd and the lowing of the flock. But all these are not fit themes for a Hebrew poet. His heart, influenced by the language of his fathers, is full of unrest. His spirit does not exult at the daily natural phenomena; the present is not for him. His language is not given for life; but is a relic of the dead past. The spirit of the poet wanders back into the wilderness, midst the cedars of the Lebanon and the ancient mountains; he sings dirges over the ruins of glorious cities, and he walks knee-deep in the streams of the blood of the slain; his feet stumble on the skulls wherein lofty spirits once dwelt. A three-thousand-year-long cry rings out in his ears; the rattling of bones of human sacrifices disturbs his spirit, and his eyes move over a scroll written on both sides with blood and tears. . . . Can he sing of free birds, of happy rustics and amorous swains, of youths and maidens—that want naught but love? Gordon's poems show us what the eyes of the prophet see; and who can see like him¹?" Gordon was indeed a true Hebrew poet. He loved his people and their language with all his heart and soul. He looked with reverence upon the past, and with hope and anticipation at the future. But the present was terrible, almost unbearable. As a true poet, he describes what he sees around him. The pictures are not at all pleasant, but, as he himself says:—

צִיר אֲנִי וּבִימִינִי חֶרֶט :

אֶת אֲשֶׁר אֶרְאֶה עֵין לְעֵין

(אֹתוֹ אֶתְאָר עַל לֹחַ בֶּשָׂרֹד. (כָּל שִׁירֵי יִלְג', ח"ד, p. 132.)

I am a painter; brush in hand

Upon the canvas I portray

Whate'er mine eyes behold.—(*Poems*, IV, p. 132.)

¹ *Hashahar*, X, pp. 457-8.

To understand and appreciate Gordon fully one must read and re-read his poems in the original. However, we shall here endeavour to give a cursory review of his poetical works, with such a quotation here and there as may tend to illustrate the subject under review.

כשאדם נער אומר דברי שיר (*When a man is young, he utters words of song*) says the Midrash, and Gordon, full of youthful enthusiasm and inspiration, took to writing a love poem, as most young poets will. But, as a Hebrew poet, he chose as his theme the biblical romance of David and Michal. In lofty and impassioned lines he portrays the career of David,—his persecution by Saul, his love for Saul's daughter, Michal ; his wars with the Philistines ; his subsequent rise to power, and the estrangement between him and Michal. The story as narrated in the Bible contains all the elements of the epic ; hence the poet's inventive genius was not called into play, though there was room for a poetic display of description of nature, of emotion, and of love. The majestic figure of Saul swayed by jealousy and hatred, the romantic career of David who from a shepherd rose to the throne of Israel, all these are depicted by the poet vividly and forcibly in the twelve cantos of *אהבת דוד ומיכל* (*The Love of David and Michal*). The poem certainly has its weak points. Gordon is not an epic poet in its classical sense. His powers of nature description are weak ; he cannot interpret the human passions fully ; he does not enter into the secret souls of his heroes. His descriptions of nature are couched in biblical quotations, which, to a modern reader, are vague and unimpressive. He cannot describe a landscape in detail, not only because he lacks the expression, but also because he lacks the concept. His language is indeed rich and picturesque, smooth and flowing, like the brook of Siloam ; but his imagery is completely without the virtue of originality, it is copied from the Bible. So are his figures of speech. He uses them not because he feels that they represent his thoughts exactly, like Moore's Oriental imagery in "Lallah

Rookh," but because they are ready made for him in the Bible. Nor is there sufficient action in the poem to be worthy of the name of epic. The poet often digresses with apostrophes to Providence (Canto II), Love (Canto IV), Jealousy (Canto V), Happiness (Canto IX), Anger and Hope (Canto X), Duty (Canto XI), which are mediaeval in their notions and not strongly poetic in expression. His portrayal of Michal, in fact of all the beautiful woman creations of his fancy, is nothing but a rhymed version of the Shepherdess in the Canticles. Gordon cannot tear himself away from his model, the Bible.

The above criticism may equally be applied to Gordon's second Davidic poem *מלחמות דוד בפלשתים* (*David's Wars against the Philistines*), though in the two cantos of the latter he rises to the height of a true epic poet, especially in describing the heroic achievements of David's body-guard, and it is more original. Still one cannot fail to recognize in several passages of the two poems a striking similarity to *שלמה וקהלת* (*Solomon and Koheleth*) by Lebensohn the younger. In fact it seems as though Gordon had assimilated Lebensohn's poems to such an extent that he unconsciously borrowed some phrases and expressions from him, only the imitation, if we may so term it, is much weaker. Lebensohn, the younger, by far surpasses Gordon in the painting of natural scenery, in describing and analysing emotions, and even in beauty and brevity of diction. With all that, considering that these were the first efforts of a youth of twenty-two, it cannot be denied that they are the production of a gifted poet. Amidst the laxity of his expressions, numerous lines stand out concise, bold and strong, showing a wealth of feeling and force, and his diction is purely biblical throughout. He has shown, as was his intention, that the Hebrew language, stiff and dead as it had been, was living enough and flexible enough to describe scenes which are dear to the heart of every Jew. After all that subject *per se* had nothing in it to arouse his enthusiasm, and to make him soar above the

narrow circle which he had circumscribed for himself. Give him a subject which is nearer his heart, give him a theme which would allow his fancy free scope, and he will display all his powers.

אהבת דוד ומיכל (*The Love of David and Michal*), published in 1857, is introduced by a dedicatory poem to Abraham Beer Lebensohn, in which the young poet feelingly acknowledges his indebtedness to the older man, by—

תלמידך אנכי אף כי לא באתי
אל בית ספרך קחת מפיו לקח

.

I am thy pupil, though within thy school
I did not come instruction to receive.

.

בנך אני—אף כי לא הולדתני
אבל אל בנך המת אח הייתי . . .

Thy son I am—though birth thou gavest me not—
I was a brother to thy son who's gone . . .

Also—

ובתפשי בעט, ובעורני עלם
אתה היית לי סמל וצלם.

And in my youth when first I seized a pen,
My lines I patterned after thine.

And he dedicates himself to the service of the Hebrew language in the forcible—

עבד לעברית אנכי עד נצח
לה כל חושי בי לצמומות מכרתי.

The Hebrew Tongue's eternal slave am I.
My life with hers fore'er is intertwined.

A promise to which he remained faithful all his life.

His third Davidic poem, דוד וברזילי (*David and Barzilai*), is a pastoral, contrasting the happiness of the peaceful, contented, rustic life with the noisy, treacherous life of the palace. The poet describes the rural retreat of Barzilai, after his generous treatment of the unhappy king David,

and the description savours of the field and the forest, and tells of the thoughts of faith they engender:—

He sees the changes of the eve and morn,
Beholds the sun, now dying, now reborn,
The starry hosts that tacitly proclaim
The glories of Jehovah's awful name;
And in his heart he feels there is a plan,
There is a refuge for the soul of man.
And full of faith and full of hope divine,
He placid sees the wave of life decline.

(vol. III, p. 154.)

David, broken in body and spirit, finds Barzilai in his retreat, and invites him to accompany him to the capital, there to share with him his regal splendour; but Barzilai delicately declines on account of old age and because—

Better is a poor, but peaceful life
Than a crown accompanied by strife. (ibid., p. 156.)

The bitter truth strikes home, and the king weeps as he departs.

Another biblical poem belonging to the same cycle, *אסנת בת פוטיפרע* (*Osnath, Potiphera's Daughter*), is based on the story of Joseph and on the Talmudic legend (Sotah, 13 b) that Potiphera, Joseph's father-in-law, is identical with Potiphar, his former master. The poet describes feelingly the history of Joseph up to his elevation, interwoven with the romance of Joseph's love for Osnath, his master's daughter, who is his pupil, and in whom a feeling of affection for Joseph develops during his sojourn in their house. The language of the poem is free from conceit, and is plain and straightforward. The rhymes are smooth, the versification perfect, the action swift, with a few touches of sympathy interspersed here and there. It is not a great poem, but the reader is carried away by the ease and grace with which the story is told. Osnath's dream and Joseph's interpretation thereof is a happy instance of adaptation from the Greek, it adds to the action, and agrees perfectly with the biblical

characterization of Joseph. The poem is charming because of its simplicity.

His last biblical poem, *צדקיהו בבית הפקודות* (*Zedekiah in Prison*), is a monologue intended to convey the feelings of this most unfortunate king of Judah. Zedekiah is made to denounce Jeremiah in the most bitter terms, and to ascribe to him his own misfortune and the downfall of the nation. His fate had come upon him because he had disobeyed Jeremiah. What business had that priest to meddle in political affairs? Saul was punished for disobeying Samuel. Was it Saul's fault that Samuel did not keep his promise, and came too late? The same with Jeremiah. He demands that the people carry no burden on the Sabbath. Was this the time for observing holidays when the enemy was swarming about Jerusalem? Besides, in what way would the observance of the Sabbath prevent the impending catastrophe? In this way Zedekiah rails at Jeremiah, and complains of the injustice done to him. Gordon looks upon the struggle between Jeremiah and Zedekiah as typical of the strife between the ecclesiastical and temporal powers which has gone on in history from time immemorial. Gordon makes Zedekiah say things which Gordon himself does not agree with, though he is in sympathy with him. The poem, it must be remembered was written in 1879, in the Lithuanian prison where Gordon was confined, and the poetic prisoner used the royal prisoner as a mouth-piece to voice his own grievances, for he too had suffered at the hands of fanatics. At any rate, he could feel with Zedekiah¹.

The well-known story of the woman and her seven

¹ Lilienblum is indignant at Gordon for allowing Zedekiah to condemn Jeremiah, and tries to show that Jeremiah's political policy was better, and that Zedekiah was a changeling and a coward. He ends his criticism by saying that while one has a right to write anything he pleases, he has no right to publish everything he writes (pp. 16-21, מליץ אחד כני אלה). Carried away by his indignation, Mr. Lilienblum forgets that he is criticizing not a history but a poem, intending to convey Zedekiah's feeling, and Zedekiah could not possibly have agreed with Mr. Lilienblum.

sons who refused to worship Antiochus is the theme of the poem *האשה וילדיה* (*The Woman and her Children*). The narration is full of pathos and sublimity, and the language corresponds to the thought. *במצולות ים* (*In the Depths of the Sea*), however, is a masterpiece that surpasses in vigour and pathos any other production of Gordon. It is based on a well-known Jewish story relating to the sorrows of the Spanish Jews. A ship carrying Spanish exiles leaves port. Among other passengers there is also found Peninnah, the daughter of the Rabbi of Tortonah, and her mother. The young woman, who only a month ago saw her husband burned at the stake, is still so beautiful that she captivates the heart of the captain, who gives her to understand that should she refuse to become his mistress he would carry all his Jewish passengers to some desert island, and leave them there to their fate, as other captains had done. Peninnah promises to surrender herself to him after all the Jewish exiles are landed safely in some port. After this is done, the ship returns with Peninnah and her mother. But early in the morning of the next day, both Peninnah and her mother, to save themselves from shame, leaped overboard and were drowned in the ocean, martyrs for their brethren:—

The Ocean saw and trembled at the sight,
 And round about the mighty breakers roared,
 While those pure souls—and purer far than gold—
 A martyred grave beneath the billows found,
 And midst the Ocean's mountain peaks reposed.
 Unseen, unwept, beneath the deep they slept,
 The Ocean's rocks their tombstones, and the stars
 Their legend, and the heavenly blue their vault.
 Silent the Moon in pity looked on them;
 Silent the Earth the cloud's mute gaze beheld,
 The Earth that sees a myriad tragedies,
 And never condescends to shed a tear¹. (vol. III, p. 20.)

¹ The translation of these few lines is only a futile effort on my part to give an idea of the poem, the full strength of which can be felt only in the original. I remember having seen an English translation of this poem, but I can recollect neither the name of the translator nor where it was published.

The last of his historical poems, *בין שני אריות* (*In the Lion's Teeth*), is told with strong dramatic effect and lofty poetic fervour. It is an incident of the Jewish wars with the Romans. The enemy besieged Jerusalem, and confusion and consternation reigned within the city. Driven by despair, the defenders of Jerusalem determine not to sell their country too cheaply, and prepare themselves for the final attack. Simon, a young patriot, throws himself into the conflict; but before his departure he bids his last farewell to his beloved Martha, who encourages him to fight for his country to the bitter end (vol. III, p. 178).

Simon departs. The Jews are defeated; Simon is carried as a captive to Rome, and Martha is sold as a slave to a Roman matron. The young hero is made to fight with a lion in the arena. Among the spectators is also found Martha, who accompanied her mistress Agrippina to the amphitheatre. Martha recognizes her lover and, with anguish in her soul, watches the outcome of the terrible conflict. At first, Simon succeeds in thrusting his sword into the side of the fierce Lybian lion; but his blade is broken and he can no more defend himself. In despair he raises his eyes and recognizes his Martha in the multitude. He musters up all his courage and attacks the lion barehanded in the hope that, should he succeed in killing the lion, he might gain Martha's and his own freedom. But his strength fails him. The wounded lion leaps upon him and tears him limb from limb. At this horrible sight a shout of delight rings out from the throats of the savage spectators, but Martha can bear it no longer. A shriek of anguish escapes her; she reels, and expires together with her lover.

The catastrophe that befell the Jewish nation the poet ascribes, as in so many other instances, to the *Weltanschauung* of the Rabbis. For centuries they taught the Law, established schools where they instructed the people to ignore true understanding, to believe in superstition, and to look upon this life as trivial. Instead of teaching handicrafts

and the useful arts, instead of establishing military schools and preparing weapons for the imminent conflict with the Romans, the Rabbis taught—

Within the walls to be immured,
To row against life's vital stream ;
Alive in Heaven, dead on Earth ;
In dream to talk—awake to dream.

(vol. III, pp. 175-6.)

Again—

בעלית בן גוריון נועדו ובאו—
העל צרכי המלוכה שמו עינם ?
שם חרב ביד הלכות קבעו :
אין קורין . . . אין פולין . . . אין שותים יינם . . . (ibid.)

Within Ben Gorion's halls the Rabbis met—
Did they discuss the nation's crying need ?
No! sword in hand they argued and decreed :
One must not drink . . . nor separate . . . nor read . . .

Zeal and patriotism alone cannot avail under such leaders.

The poet bases his views that the Jews were not prepared for war with the Romans on Josephus (*Jewish Wars*, II, vi, 3 ; vii, 3 ; xi. 5). His position was attacked by M. Pines in the *Hamagid*, and by Lilienblum¹, who defend the position of the Rabbis and roundly abuse Gordon for taking the testimony of the "Traitor Josephus." It seems, however, that Gordon did not so much intend to criticize the ancient Rabbis as his contemporaries, of whom what he said was certainly true ; but writing of an historical epoch he merely made use of the past to illustrate the conditions of the present.

Thus much for his historical poems. In the *Love of David and Michal* he has not yet emancipated himself from the influence of the elder Lebensohn², who had cared more for

¹ 'מליץ אחר מני אלף (in בקרת לכל שירי י'ל'ג', pp. 22-6).

² "Ever since I began to understand a book, I could not find among living poets one greater than he (Lebensohn). . . . And I therefore endeavour to imitate him." (*Letters*, vol. I, Letter 3, p. 11. 3.)

the purity and accuracy of diction than for the strength and poetic expression of the thought. In his later poems, however, he by far surpassed his master. "His diction is unsurpassable; pure, like Lebensohn's, but freer and sweeter. Reading him we hear the voice of a Hebrew poet as we heard it in Spain¹."

But Gordon did not satisfy himself with singing of the past. He desired to show his people the misery of the present in order to prepare them for a happier future. And it was in the "epics of the present" that he showed himself the supreme master of style, humour, and sarcasm. Upon these poems he brought to bear the vast store of Talmudic knowledge and style that he had at his command, and portrayed pictures of life, the like of which cannot be found in any literature, not only because they are Jewish to the core, but also because no poet ever painted such pictures with the faithfulness and vividness of the life they describe. His chief aim in this cycle of poems—consisting of *קוצו של יוד* (*The Dot of a Yod*), *שומרת יבם* (*Waiting for a Brother-in-law*), *אשקא דרספק* (*A Wagon's Axle*), *ושמחת בחגך* (*Rejoice on thy Festival*), and *שני יוסף בן שמעון* (*Two Josephs ben Simeon*)—is to bring about religious reforms in Rabbinical Judaism.

The greatest poem of this cycle is *קוצו של יוד* (*The Dot of the Yod*), written in 1876². It is directed against the rigorous interpretation of the laws of divorce by the Rabbis. Bath-Shua was married at the age of seventeen to a certain Hillel, a Talmudic student, and after living with her three years her husband left her to seek his fortune abroad. At first she heard from her husband regularly, but after a few months he ceased corresponding, and nobody knew his whereabouts. Her father died too, and the poor woman, thus left destitute with two children, opened a small store to

¹ Smolensky, *Hashahar*, vol. X, p. 400.

² In a letter written in 1879, Gordon claims: "This poem is far superior to its predecessors; it is the best poem I have written so far." (*Letters*, vol. I, p. 202).

support her family. Meanwhile there arrived in Ayolon (the scene where the action is laid) a young man, Fabi, to superintend the railway constructions in the town. He fell in love with Bath-Shua and learned her story. Through a friend in Liverpool he learned that Hillel was peddling there, and that he would be willing to divorce his wife according to Jewish law, for a consideration of 500 roubles, with which he intended to go to America. Fabi sent the money, and the Get, or bill of divorce, arrived in Ayolon, and was duly transmitted to the Rabbi. Fabi and Bath-Shua were to be married after the ceremony of the divorce was performed by the Rabbi. Unfortunately, the Rabbi¹ discovered that the name Hillel (הילל) in the Get was spelled without a Yod. He declared the Get invalid. Meanwhile the news arrived that the vessel on which Hillel sailed for America foundered in the ocean, and all on board were lost. Since, according to Rabbinical law, מים שאין להם סוף אשתו אסורה, the poor woman was left a grass-widow (עגונה) all her life.

Such is the simple plot of the poem, but how vividly and touchingly it is told! The whole sad life of the Jewish woman of that time is passed in panoramic view before us. The poet begins to describe the Jewish woman in the pathetic lines:—

אך חיי העברית עבדות נצחת
 מחנותה לא תצא אנה ואנה;
 תהרי, תלרי, תיניקי, תגמולי,
 תאפי, ותבשלי, ובלא עת תבולי.

¹ The prototype of יוסף זכריה (Stern) Rabbi of Shavli, in the government of Kovno. If this be so, Gordon did this great scholar a lasting wrong. Rabbi Stern, as far as I could learn from men who knew him well, was inclined to interpret Rabbinical laws in a liberal spirit. Moreover, he ever refused, on principle, to issue bills of divorce, fearing to take the responsibility on himself, and his attitude towards the question of divorce was so well known, that all such cases had to be referred to Rabbis of other cities. Hence the incident described in קיצו של יור cannot truthfully be ascribed to him, and Gordon's characterization of him is entirely unwarranted.

Eternal bondage is the Jewess's life :
 Her shop she tends incessant day by day ;
 A mother she—she nurses and she weans,
 And bakes and cooks and quickly fades away.

(vol. IV, p. 5.)

For not only was she socially man's inferior, but—

גם טל השמים לך לא אצלו:
 להם, צרי עין, תְּרַגַּמְצוֹת מְנו
 ולך העלובה רק שלש נתנו.

E'en heaven's dew they kept from thee :
 Of all religious laws they heed
 To thee the niggards gave but three.

She is given away in marriage without her consent, dis-
 regarding all feelings of love she may have, for—

אהבה מן הוא לא ידעו אמותינו,
 חכונה נעשה את אחותנו? ¹

Love? Our mothers never knew it!

and—

הארמים הם כי פי נערה ישאלו? ²

Arameans they, the maiden to consult?

The poet next describes Bath-Shua's beauty and accom-
 plishments ; her engagement to Hillel, who had nothing to
 recommend him but his Talmudic scholarship—

לו עיני עגל, לו פאות כזנבות,
 לו פנים כפני גרוגרות רבי צדוק,
 אך עלוי הוא בקי בשלש בבות . . .

His eyes were calf-like, and his locks like tails,
 His face all shrivelled—a Rabbi Zadok's fig ³,
 But he is versed in deep Rabbinic lore.

with which she must have been satisfied, for she never said
 a word—

ומי יאמין לדברי הנשים הטפלות
 האומרים כי בת-שוע בוכה בלילות?

¹ I do not care to translate this line.

² A reference to Gen. xxiv. 57.

³ Referring to *Gittin*, 59 a.

And can the gossips tell aright
Who claim Bath-Shua weeps at night?

her marriage and subsequent life with him; his departure for lands unknown; her acquaintance with Fabi; the divorce; Rabbi הכוזרי ופסי, so called, not because he was a descendant of Tartars, but—

נשמת רב ופסי ודאי תתריח :

Rabbi Vofsi's was a Tartar soul, indeed.

the tragic scene when the divorce was declared invalid, and the subsequent misery of Bath-Shua, who summarizes her misfortune in the phrase:—

אך קוצו של יור הוא הרגני . . .

A letter's dot has proved my ruin. .

The poem is in many places sarcastic, but the heart of the poet goes out to his people who do not realize the full extent of their misery:—

חרבן העיר אלפי שנים נזכרה
ולחרבן האמה נקשיה לבנו:

ובקול כלי החרס ביום החפה נשכורה

לא נשמע צעקת בנינו אחרינו . . . (כל שירי, ח"ד, p. 18)

The City's fall we constantly recall,
The nation's fall as constantly ignore;
The sound of glass beneath the Hupah broken,
Echoes the misery of our children's cries¹. (vol. IV, p. 18.)

Pity the poet who sees and describes such scenes!

The poem has its shortcomings too. The picture of Bath-Shua is on the one hand overdrawn, and on the other indefinite. Nor does the poet enter deeply into the inner psychology of his heroes and heroines. But

¹ Lilienblum, who persists in interpreting Gordon literally, remarks on the line חרבן העיר אלפי שנים נזכרה, "In my opinion one who writes such a line is not a national poet." (מליץ אחר בני אלה, p. 27.) Lilienblum evidently does not understand the difference between an exclamation of grief and a positive statement of indifference, or he would have felt with Gordon.

on the whole קוצו של יור is the most realistic and impressive poem ever written in Hebrew.

שומרת יבם (*Waiting for a Brother-in-law*) is less vigorous and realistic, though pathetic and impressive. The avowed purpose of the poem is to hold up to scorn the institution of Levirate marriage, which is a mere formality and yet practised to the discomfort and often the ruin of the unhappy widow—and accidentally to ridicule the greedy “enlightened Rabbis” graduates of the Russian Rabbinical Seminaries. A young man who has lived happily with his wife for three years is lying on his deathbed, watched day and night by his faithful wife, for—

כי בת ישראל היא, יודעת חובתה . . .

A Jewish daughter she—her duty knows—

The couple are childless, and to aggravate the misery of the woman who is about to become a widow, a son was born to her mother-in-law a short time ago. To obviate the necessity of the young woman's waiting for the child to grow up in order to give her *Halitza*, the dying husband is delicately requested by his mother to divorce his wife before his death. He consents. The “enlightened Rabbi” is sent for to perform the ceremony. He is a practical man; he knows “two hundred are more than one hundred,” and insists upon demanding two hundred roubles for his services. The dying man's parents beg him to take one hundred, all their fortune having been spent in a vain effort to save their son. The Rabbi insists upon two hundred: but while they are haggling—

המות „הטוב מאד” שלח את יונה

ויעשהו חפשי מרגו ומדנים

חפשי מן המצות ומן הרבנים.

“Kind Death” set Jonah free
From bickering and strife,
From Rabbis and from laws.

and the unhappy widow was left to wait for her infant brother-in-law's Halitzah.

It must be acknowledged that the Rabbi pictured in the poem is not only unnatural, but impossible, and that the entire episode does not present a scene from real life. It is rather a criticism of the institution of Halitzah, carried to its extreme logical conclusion. The poet intends to show what havoc such an effete institution might cause under favourable circumstances. After all, while the Rabbi is impossible, many women were actually ruined in similar cases when the husband died without divorcing his wife—and against such actualities the poem was directed. The Rabbi might have been omitted without injuring the poem; on the contrary such omission would have strengthened the impression. Possibly Gordon had a special so-called “enlightened Rabbi” in view against whom he directed the last stanza. This poem was written in 1879 in St. Petersburg, after his return from exile. Does he refer to the Rabbi by whose partisans he was denounced and thrown into prison? The fact that he selected an “enlightened Rabbi” instead of an every-day orthodox one whom he usually criticizes, would lend colour to such a supposition¹.

אשקא דרספא (*A Wagon's Axle*) written in 1867, is a tragi-comedy of the real Jewish life of his time; and, as in the poems referred to above, presents the Rabbi in an unfavourable light. Eliphelet, a coachman, sits down with his wife and children to the Seder, on the first night of Passover,

¹ Mr. Brainin criticizes this poem for its lack of psychological description. He says (*Hashiloah*, vol. I, pp. 333-4), “We do not know the woman; we only see her shadow . . . she does not say a word throughout the whole poem. What are her feelings? Gordon is silent about that.” This is unjust. The poem is not intended as a psychological study in the first place. The woman, as described by the poet, is overwhelmed with grief—and a person in such a state of mind is not given to much talking. Mr. Brainin is also unfair in saying that the poem was written only for the sarcasm against the Rabbi. Gordon has a higher object, which is embodied in the line *הכן פקר אלי, צוהה חורתי* (vol. IV, p. 47).

and after skimming through the Hagadah, prepares himself for the sumptuous meal with pleasant anticipations. Suddenly a cry of anguish rings out from the kitchen, and Sarah, his wife, announces the terrible news that "a grain has been found in the soup!" She was making ready to go to the Rabbi, but her husband threatened her with his fist and she desisted. He had worked so hard all winter in order to prepare for the Passover, and now all his labour was to be destroyed in an instant! Sarah did not touch the food; her husband and the children ate it, but the joy of the holiday was gone. On the next day Sarah found another grain in the pot. She could no longer bear "the weight of two grains," and she hastened to consult the Rabbi who, by the single word "Leaven" destroyed all her hopes, and prohibited the use both of the food and the dishes. The poor woman was afraid to go home, thinking of the threats of violence made by her husband the night before. The Rabbi sent two public officers¹ to arrest Eliphelet, and fined him. But henceforth the peace of the family was broken. Eliphelet mistreated his wife for a time and then divorced her.

Trivial and incomprehensible as such incidents may seem to men of modern days, they formed part of the tragedy of Russian Ghetto life in the days of Nicholas I. The poet does not tell it in a mock-heroic fashion; he describes it with all the feeling and pathos of a tragedy. Thinking of the Seder, and of the stereotyped answer in response to the "four questions" the poet reflects:—

עבדים היינו . . . ומה אנחנו עתה?
האם לא נרד שנה שנה מטה מטה?
האם לא ער היום אסרנו בכבלים
המה חבלי השוא, מוסר הבלים?

¹ The Jewish Consistories, during the time of Nicholas I and the early days of Alexander II, had police-powers given them within their own jurisdiction.

We *have been* slaves—alas! What are we now?
 Do we not fall and sink, year in, year out?
 Are we not fettered still, are we not bound
 By superstition's shackles strong and stout?

And how vividly we see the Seder:—

אך ברוך השם הכל נעשה יפה,
 יינו יתאדם, מצותיו מעשה אופה,
 כל זווית הבית נקיות וטהורות,
 נרות המערכה יאירו במנרות:
 ילדיו לשלחן מסביב כשתילי זית,
 אשתו טובת לב עוסקת בירכתי הבית:
 והוא לבוש בדים, עוטה לבנים
 ובלב שמח ובצהלת פנים
 יספר לילדיו נסי יציאת מצרים:
 אף יבטיחם כי חיש אליהו יופיע
 לשתות אתם יין מן הגביע (כל שירי, ח"ר, p. 52)

Thank God! all is prepared; the wine is red;
 Inviting looks the round unleavened bread;
 From floor to ceiling all is clean and bright;
 The candles shed profuse a mellow light;
 The children 'round the board; and full of cheer
 The pious wife attends now there, now here;
 And he, arrayed in linen tunic white
 Of heart content, of countenance all bright,
 Out of the pictured old Hagadah reads
 The plagues, the exodus, God's wondrous deeds;
 Asserts that soon Elijah the divine
 Shall come to drink with them his cup of wine.

What a picture, indeed, of Jewish idealism. Unfortunately everything was soon changed after the terrible discovery of the grain in the soup. Eliphelet did not finish the Hagadah, and—

לא ראה כי זזו הכסתות ממקומן,
 כי נגנב מתחתן האפיקומן:
 על כתלי הבית הצללים נטיו,
 מלאכי שלום במסתרים יבכיו,

גם פשתי הנרות במנורות כהו,
הדלת נפתחה—אך לא בא אליהו . . .

To guard the Aphikoman he forgot;
The pillows stirred, 'twas gone, he saw it not;
Along the walls fantastic shadows crept,
And secretly the peaceful angels wept.
Slowly died the candle's flickering flame;
The door was opened—no Elijah came.

Eliphelet avenged himself on Sarah for going to consult the Rabbi:—

¹ ואלִיפֶלֶט פִּקֵּד אֶת שָׂרָה כְּאִשֶּׁר אָמַר
וַיַּעַשׂ אֶלִיפֶלֶט לְשָׂרָה כְּאִשֶּׁר דִּבֶּר:

He visited Sarah as he had said,
And did unto Sarah as he had spoken.

and after the divorce was not Sarah justified in wailing:—

אֶשְׁקָא דְרַסְפֵּק הָרַב בֵּיתָר
וּשְׁנֵי גִרְעִינֵי שְׁעוּרִים הַחֲרוּבוּ נְוִי . . .

A wagon's axle settled Bethar's doom,
Two barley grains destroyed my home!

Such is the tragedy as seen from the satirist's exaggerated point of view. Yet in the heart of the old-fashioned Jew such things were part of joyous service and brought no pangs.

וּשְׂמַחַת בַּחֲנֻךְ (*Rejoice on thy Festival*) is another instance taken by the poet to show the inconveniences a strict adherence to Rabbinical laws may cause. Rabbi Kalman, a Jew from the Pale who did business in Moscow far away from his home, is informed by his wife that a good match has been proposed for their daughter, that a meeting had been agreed on for the intended bride and groom and his parents and friends for the second day of Succoth, and she requested him to come home for the joyful occasion. Rabbi Kalman in-

¹ Cf. Gen. xxi. 1.

formed his wife that he would arrive home on the seventh day of Succoth, and started out from Moscow. The journey was long and tedious, for it was in ante-railway days. The poor man tried his best to arrive home for the holidays, in fact he had reached within three miles of his home, when the shadows of the night told him that the holiday was begun. Unwilling to travel the short distance on a holiday, Rabbi Kalman was forced to stop over in the village so near his home. He reached home early on the morning after the holidays only to find his wife and his daughter sick with disappointment, for the groom and his party had left, disgusted with the unnecessary delay on the part of the bride's father.

The poet purposely exaggerated in order to show the inconvenience of the Rabbinical law of תחומין (*Limits*). The moral is shown in—

הוי תחום שבת ! כמה יגון ואנחה
(p. 69.) הבאת פתאום על זאת המשפחה . . .

Two thousand paces ! how much woe and grief
They sudden brought unto this family . . .

and in—

לולא נחור מוריק בעמוד הענן
לא נמנעת לשוב משחשכה הביתה :
כי שמחת החג מצוה מדאורייתא
ותחומין אינן אלא מדרבנן . . .

Had not your teachers led you with a pillar of cloud, you would not have refrained from returning home after dark: for to rejoice on a festival is a Biblical law, whereas the law of "Limits" is only Rabbinic.

To Rabbi Kalman, however, the Rabbinical ordinances were equally binding and he fell a martyr to them. Myriads of Jews have obeyed these laws, however, without any of the tragic consequences which Gordon draws from them.

The last poem of the series, שני יוסף בן שמעון (*Two Josephs ben Simeon*), surpasses by far in its pathos, realism,

and depth of feeling any poem in the Hebrew language. It is a terrible arraignment of the Jewish Consistorial boards during the reign of Nicholas ; and shows at the same time the attitude of the masses towards the Maskilim, the men of the newer school. Joseph ben Simon was a child-prodigy. At thirteen he was already famous for his knowledge and acumen in the Talmud, and he was looked upon as the future light of Israel—in its Rabbinical sense. But Joseph soon realized the futility of a study of the Talmud only, and secretly he began to indulge in secular studies also, to the consternation of his admirers. His father attempted to dissuade him from his course ; but Joseph maintained that the study of the sciences was not subversive of Judaism. He soon left his native town and went to Padua to study medicine. In the same town there was another boy of Joseph's age, Uri, the son of Jochanan the shoemaker. He was a wild lad, never cared to study, though his father tried hard to make a Rabbi out of him. At the age of nineteen he had already become the terror of the town. He took to horse-dealing, and engaged in questionable undertakings. Upon being rebuked by his honest father he left home and disappeared.

Rabbi Shamgar, the head of the Consistory, now appears on the scene. The board-rooms are described, with Rabbi Shamgar sitting in judgment. It was the time of conscription ; the board is busy selecting recruits taken mostly from the ranks of the poor ; the rich bought exemptions for their sons. One woman complains of the abduction of her only son for military service ; but Rabbi Shamgar finds that she belongs to the family of a man who has four sons, and since his sons were scholars, her only son has to be the scapegoat. Other people come on business to get passports and similar things, and every one is attended to in accordance with the bribe he offers. Finally, a rough-looking, stout, but well-dressed young man appears and asks for a passport. He was Uri, the shoemaker's son. He spoke haughtily and impudently. He has to go abroad for

"business," and must have a passport. "But," objects Shamgar, "you are a hidden one¹." In response the applicant drew a hundred rouble note from his pocket. The argument was convincing enough. Rabbi Shamgar knitted his brow, thought hard for a few minutes; then his face lighted up: he discovered a way out of the difficulty. "Some three years ago," he said, "a young man of your age disappeared, and nobody knows his whereabouts. I will therefore issue a passport; only you have to assume his name." Uri readily consented; he paid the money, and left a new man, for he was now Joseph ben Simon. Rabbi Shamgar went to the synagogue to recite the afternoon prayer.

Meanwhile, the real Joseph ben Simon was studying diligently in Padua not only medicine but also Jewish branches. He was an idealist. Medicine was to afford him his livelihood; for the rest he would preach and teach a more enlightened Judaism, a Judaism more in harmony with philosophy. After suffering hardships and privations for five years, he reached his goal; he became a doctor of medicine and philosophy. He hesitated about returning to his native land. But the thought that the people there needed him most, and the news that his mother was sick, banished all hesitation. With his documents and his old passport in his pocket, he started home.

The train roared and puffed, and Joseph, tired and

¹ Many fathers, to save their sons from military conscription under Nicholas (the length of service being twenty-five years) refused to enroll their male children in the official registers at their birth. These were called "hidden ones" (נעלמים in Hebrew). Officially, these were non-existent. As such proceedings were, of course, illegal, such hidden ones were always at the mercy of the professional informers who constantly demanded black-mail in lieu of their silence; and they suffered the further disadvantage of being unable to obtain a passport legally. As a passport is absolutely essential to freedom of movement in Russia, the hidden ones were forced to apply to the Consistorial boards for such documents. The latter often issued fraudulent passports either in the names of the dead or absentees, for a money consideration of course, and thus caused such tragedies as described in the poem.

weary, fell asleep. In his dreams he saw himself as a Rabbi instituting various reforms to lighten the life of his people, and a smile of satisfaction played on his lips when he heard the blessings showered upon him by his congregants. He awoke with pleasant emotions, but fell asleep again. An unpleasant dream came to torment him. He saw himself in Purgatory, where all who ridiculed the Rabbis were punished. Among them he finds Elisha ben Abuyah, Acosta, Spinoza, various Jewish Maskilim, such as Levinsohn, Shatzkes, Erter, and Lebensohn; and he heard a voice proclaiming his own doom. He awoke with a start. Meanwhile the train was rushing on. A little more puffing and roaring of the engine and Joseph found himself on Russian soil. Officers demanded passports; Joseph showed his and trembled at the impression his name made on the officer. He thought it was because his passport was out of date, and declared himself ready to pay the prescribed fine. The officer, however, arrested him on the charge of murder. His fellow passengers could hardly realize that their quiet, apparently naïve, fellow traveller, whom they thought to be a doctor, was a murderer! In prison Joseph was told that some months ago a horse-dealer tried to smuggle a drove of horses across the boundary line. The officers overtook him; a fight ensued, and in the *mêlée* that followed one officer was killed by the desperate smuggler. He himself escaped, but among his effects left behind him his passport was found, and the description and name tallied with that of the present prisoner. In vain Joseph protested that he never dealt in horses, and that he had been out of Russia these five years. He was kept in prison for some time, and then in company with other criminals he was driven on foot to his native town for trial. The convoy upon arrival there met a funeral procession. The soldiers, according to law, presented arms in honour of the dead. Joseph recognized his father as the chief mourner, and wanted to throw himself on the bier; but the soldiers gruffly

forced him back into the line of march. Joseph was found guilty because the Consistorial authorities, especially Rabbi Shamgar, deposed that there was only one Joseph ben Simon in the town, who had already long ago acquired a bad reputation as a heretic. There was nobody to take Joseph's part since he was considered a heretic. He was sentenced to hard labour. Rabbi Shamgar continued as the head of the Consistory.

The poem begins with a scathingly sarcastic enumeration of the powers of Rabbi Shamgar, who is described in all divine attributes, for he, too, by doctoring the official registers, changed men into women, young into old, gave childless parents a half-dozen sons, and vice versa. These miracles, however, happen to the rich only, who have to pay for it.

Joseph's youth is described:—

בן שש קרא דף גמרא עם רִשִּׁי .
בן שבע תרץ בתוספות כל קשיא,
בן שמונה כל ודוק לא עממוהו . . .

The Talmud he read at six,
The Tosaphists at seven,
And casuistry at eight.

At thirteen he was already a Talmudist:—

אם התלמוד ים—יוסף הלויִתן

In the Talmudic sea
The leviathan was he,

and every rich man who had a daughter of marriageable age:—

חשב מזמות למשוך לויתן אליה . . .

Schemed to bait the leviathan.

A realistic description of the synagogue-court is next given (Canto iv); it is so realistic in fact that we do not care to see it. Brainin says (*Hashiloah*, vol. I, p. 339) that such verses would not be written by a poet in any

other language. Perhaps ; but then no other people presents such a sight. Gordon's picture is, however, undoubtedly overdrawn.

The poet takes occasion in Canto v to apostrophize the extraordinary desire for study, characteristic of Jewish boys :—

מה עצמת, מה גברת תשוקת הדעת
בלבב נערי ישראל, זה עם תולעת!
אש תמיד על המזבח בוערת
.

How strong art thou, all conquering desire
To know! in youthful Jewish minds ingrained;
Upon the shrine thou art the constant fire . . .

(p. 101.) עמדו על דרכי מיר, אישישוק, וולוזן,
וראו בחורי עני הולכים בחפזון,
.

אנה הם עולים? לישון על הארץ,
לחיות חיי צער, לשאת כל קרץ—
זאת התורה, אדם כי ימות באהל . . .

Upon the roads to Jewish schools that lead,
Behold poor youngsters hastening with all speed.
.

And what awaits them there? A life of need
And misery, the cold bare floor their bed—
Such is the Law—and what if one fall dead!

And again, speaking of the Russians who glory in their Lomonosoff—a self-made poet :—

כמה למנסף ברחוב היהודים :

How many Lomonossofs in the Pale?

It is interesting to notice in Canto vi that all the reforms Joseph, or rather Gordon, would like to see instituted are of such a character that they would not in the least infringe upon even Rabbinical Judaism, and yet would lift a burden from off the shoulders of the people.

Even for advocating such trifling reforms Joseph was looked upon as a heretic!

The death and funeral of Joseph's mother are drawn by the hands of a master, and touch us to the heart with their genuine pathos. Especially vivid are the lines:—

והנה קול חרדה ברחוב הקריה
קול איסתרא בלגינא קיש קיש קריא,
וקול הקורא צדקה תציל ממות!
הכסים נפתחו, החנויות סגרו
נשמעו אנחות, ודמעות נגרו,
על אדם כשר כל דמעה נחשבת . . .

From down the street there comes a rattling din
Of pennies jingling in a box of tin,
With "Charity from death saves" the refrain;
The purses open, shut the shops remain,
And sighs escape, and tears profuse are shed:
They count the tears that flow for righteous dead.

But how terrible was the meeting of the two processions:—

ובעור מעבר מזה הלוייה עוברת,
בא מעבר מזה לוייה אחרת . . .

While passed the mourners' train with solemn tread,
Another column down the road was led.

and at this very moment:—

נראה לי אמר השמש המושך בקרון
כאלו הבר-מנן רגז בארון,
לבי נוקפי שמא עודנה חיה . . .

"Methinks," the sexton said, "the body stirred
And trembling shook as though it were alive."

Vain fright!

We are shocked at seeing Shamgar's hypocrisy, who after issuing the false passport and having received the bribe:—

—טמן "המאה" בצלחת
ויצא להתפלל מנחה בעשרה.

The "Hundred" in his pocket stored away,
And went into the Synagogue—to pray. (p. 96.)

But how ironical and pathetic are the lines:—

ונדיבי העם רחמנים בני רחמנים
—הגישו לו מנחה ומתת בסבר פנים—
סדר תפלה קטן ושני זוגות תפלין !

. The pious souls
Presented him (Joseph), with kind and gracious look,
Phylacteries and a little Prayer Book.

Indeed, what other comfort could the unhappy Joseph find? . . .

In his *l'envoi* אל יאשם יהודה (*Blame not Judah*) the poet acknowledges that the pictures he had drawn were not at all agreeable, nay more:—

גם לבי יכאב, גם נפשי לי מרה
(p. 132.) על מעשה ידי הטובעים בים צרה,

My own soul also bleeds, and heavy is my heart,
At my creations sinking in a sea of woe.

but he excuses himself in the lines:—

ומה אעשה אם אחי היהודים
יראוני רק שמות, רק עני ומרודים:
ובכל פנות העם, ממסד עד הטפחות
רק דמעות נגרות, ובכי ואנחות?

Am I to blame if the life of brother Jews
Reflect but gloomy, darkly coloured hues;
And that in every station, high or low,
I hear but moans, and see the tears that flow?

In a letter of Oct. 27, 1876 (*Letters*, vol. I, p. 210), he says: "Perhaps my poem אשקא דרספק will bring it about that in the holes wherein Jews hide themselves, a family shall not be ruined because of a 'suspicion of Leaven'; perhaps ישמחת בחגך will show the simple-minded Rabbi Kalman or his likes the foolishness of distressing himself un-

necessarily in order to fulfil the commandment, 'Thou shalt rejoice on thy holidays'; perhaps ברבורים אבוסים (*Stuffed Turkeys*), will stir up the Rabbis to relax the rigor of the dietary laws; perhaps קוצו של יור which I wrote with blood and tears, shall save some Jewish woman in the future from life-long ruin through the ignorance of the Rabbinical writers of grammar and the Bible; perhaps שני יוסף בן שמעון will prevent a Jewish publican from issuing a false passport." And who shall say that his poems did not have the desired effect, did not open the eyes of hundreds and thousands of his readers? Mr. Brainin may be right in saying (*Hashiloah*, vol. I, pp. 336-71) that there is nothing new in what Gordon says about the Rabbis. But a poet need not always proclaim something new like Mr. Brainin's ideal poet, who "sees from one end of the world to the other." Gordon, by giving popular ideas a poetic garb makes them more striking, more impressive. Had Gordon followed Brainin's suggestion as to what a poet should be, he would be unknown to-day, and could do nothing towards the awakening of his people. Fortunately Gordon knew his people better; he knew what would impress them; what would appeal to them. Hence his fame, hence his success, hence the good he helped to accomplish. Nor is Smolensky right in saying that his "Epics of the Present" are only of temporary value (*Hashahar*, vol. X, p. 462). Many generations will come and pass before the reforms advocated by Gordon shall be brought into realization. While those misuses of Judaism endure, these poems cannot fail to be of value. And when the golden days of true reform shall have come, these poems will be read with renewed interest, because they will be recognized as having contributed a great deal towards making the era of reform a possibility.

But in justice to the memory of Gordon and to himself, the present writer finds it necessary to make the following statement:—

In his review of that portion of Gordon's work dealing

with Rabbis and Rabbinical institutions, the writer may have used expressions conveying a sense of disrespect for and disparagement of Rabbinic Judaism. Such were not the writer's intentions, nor are those his views; but, in interpreting another man's thoughts, the reviewer, if he be fair, must of necessity reproduce that man's thought as he understands it—only this and nothing more. But—this is more important—Gordon himself was not always the iconoclast he shows himself to be in the above-quoted poems. He was not a radical in its sinister sense—destroying, tearing down. He even acknowledged the justice of the opposition. In an undated letter (*Letters*, II, p. 438) he says: "After all, the complaints of the ultra-orthodox against the Haskalah and the Maskilim are not without ground. . . . To our sorrow we must realize that the culture we are striving after will make us drink gall and produce thistles instead of flowers. We lament not because of the customs neglected, or the 'fences' broken down, or the burden of practices and observances thrown off; but because the unruly waters have reached to the very soul of our religion; and a keen sword lies at the very throat of our faith and its existence. A true Haskalah like that of Saadjah, Maimonides, and Mendelssohn is very scarce among us; an imaginary, destructive Haskalah prevails. The Maskilim have taken the shell of civilization and dressed themselves in it for appearance's sake; but the kernel they have thrown away. They combine the unpleasant traits of the places they left and of those whither they came; they are not particular about religious commandments, and have no scruples in adopting even those practices which have given Israel such an unenviable reputation among the Gentiles. The Maskilim of the better sort may be truly educated men—but they are traitors and are ashamed of their own race." Are not these the sentiments of a truly religious Jew—nay, of a conservative even? Only, it must be borne in mind that when Gordon wrote his epics the Haskalah was young, and its champions, in the first

flush of enthusiasm, went to extremes, and Gordon with them. But, when the crucial moment arrived, the moment of choosing between a cultured Judaism and a culture without Judaism, we find Gordon on the side of Judaism.

II.

Lyric Poems.

As a lyric poet Gordon shows his powers only when expressing his feelings with relation to his people. His poems of nature are beautiful more because of the language than of the contents. The poems *חל אביב* (*Spring*) and *הג לארני* (*The Lord's Feast*) are didactic rather than descriptive. The gist of the former is: every feeling man is bound in love to nature and to God. The revival in nature symbolizes to him resurrection and immortality. He philosophizes as to the origin of nature, sings praises to God, and encourages man not to fear death. As a rule, nature descriptions are not Gordon's strong point. Of his twelve sonnets in vol. I, only the eleventh and twelfth are Jewish; the poet bewails in them the death of two Russian Jewish periodicals, *Dawn* and *Zion*. The rest are rich in rhetoric and mild satire, but lack in feeling and in depth. In his translation of Byron's Hebrew Melodies, and of some of Schiller, he shows himself the master of the Hebrew language that he was, the translation appearing like original poems. Gordon, the poet, revealed himself in his Jewish lyrics, for his heart is bound up with that of the people.

A poet, subject to various moods, he is swayed alternately by feelings of joy and despair. He had dedicated himself to the Hebrew muse from his earliest youth, as stated above:—

אני בימי חרפי, עת עוד על מצח
לא חרב טל ילדות, נדר נדרתי:
עבד לעברית אנכי עד נצח
לה כל חושי בי לצמיתות מכרתי.

In early childhood, ere from my brow
The dew of youth was dried, a vow I vowed.
The Hebrew tongue's eternal slave am I.
My life with hers fore'er be interwoven!

He sings because he cannot help singing, like the German poet's

Wenn ich nicht sinnem und dichten soll,
So ist das Leben mir kein Leben mehr.

So Gordon :—

נפשי לא אחליף, טבעי לא אמיר,
כן אלי בראני ולואת נוצרתי :
רוח אדני בי, ופקודתו שמרתי,
עוד אוסיף לשיר כאשר שוררתי . . .

My soul and character I cannot change,
Thus God created me, thus I remain ;
The muses stir me, and I must obey ;
As I have sung I will yet sing again. (vol. I, p. xxii.)

He calls upon his people to arise from their lethargy :—

הקיצה עמי, עד מתי תישנה
הן גז הליל השמש האירה . . .
.
ארץ עדן זאת הן לך תפתח
בניה „אחינו" לך יקראון עתה.

Arise, my people, sleep no more,
The night is fled, behold the dawn. (ibid., p. 44.)

.
This Eden land with open arms awaits thee,
Her sons shall henceforth as a brother hail thee. (ibid.)

Alas, it proved otherwise ; but the signs of the times in 1863 looked so favourable ; all that seemed necessary was to be

היה אדם בצאתך, ויהורי באהלך :

At home a Jew, without a man. (ibid., p. 45.)

He refutes the imputation that the Jews are incapacitated for knowledge and education ; and he appeals to his brethren :—

כל עת חייכם לחכמה הקדישו.

To knowledge give your life.

But the poet does not always find himself in the happy mood of hopefulness. From the height of the heavens, whither he was carried on the wings of his fancy, he sees a panoramic view of the condition of his people. He beholds the pillars of Judaism trembling on the point of collapse, and the youth escaping through the windows; the dingy

חדר המלמדים שחטי בני הנעורים,

Heder (School-room) where the youth are slaughtered,

young men sinking in the "Sea of the Talmud"; the blind old man who is

רב מברך את עמו בחמרא חדשה,

A rabbi blessing his people with a new rigorous interpretation;

the heads of the Consistories emptying the pockets of the people; the confusion of ideas and ideals, one not understanding the other; and, above all, a flock, the עדר אדני (*The Lord's Flock*) without pasture; its wool sheared and led by blind goats . . . he realizes

כי גם במרום יכבדו עשירים,

That even on high the rich are respected;

he sees also a tablet with letters erased representing his own youthful ideas, and he can no longer contain himself:—

... אהה

מכל חלומותי לא נשאר מאומה,

טהרת הקדש, השכלת רבני,

ישוב הארץ, ותקומת האומה . . .

Alas!

Of all my dreams not one has come to pass
Purification, education,
Jewish national restoration.

and he falls from heaven to earth בירה בלילה (*On the Moon at Night*). The same undercurrent of despair runs through the poem למי אני עמל (*Whom do I strive for?*). A vague consciousness of the futility of his work steals upon him. Who will understand him; who will appreciate him? The old generation looks with suspicion upon poetry and the poet:—

מות בשיר¹, אפיקורסות במליצה,
אסור עם המשורר לדור במחיצה

There's death in song—in rhetoric heresy,
One must not with a poet share his roof—

the tender daughters of Zion are not given a Hebrew education, for

בת תלמוד תורה תפלות לומדת

A woman's Torah—'tis apostasy,

the new generation has gone to the opposite extreme, and

הנם הולכים קדימה שנה שנה
מי ידע הגבול, עד מתי, עד אנה,
אולי עד מקום משם לא ישובו . . .

With rapid strides they rush ahead,
And who can tell how long, how far?
Perchance whence there is no return . . .

For whom then does he sing? He consoles himself with the thought that there is still left "one in a city; two in a province" who do not ridicule the songs of Zion. For these he sings; they will understand him; them he embraces with tears and exclaims:—

הוי! מי יחוש עתידות, מי זה יודיעני
אם לא האחרון במשוררי ציון הנני
אם לא גם אתם הקוראים האחרונים? (p. 104.)

Alas! who can divine, who can assure
That I am not the last of Zion's bards,
That you who read are not the last who read.

¹ A pun on מות בסיר, 2 Kings iv. 40.

Such feelings of despair cling to him continually. Even in the midst of a satirical poem he cannot forget the misfortunes of his people, and a cry of anguish escapes him. The poet holds his pen in his hand. What shall the theme of his poem be (טפה זו מה תהי עליה)? Various subjects suggest themselves to him, and one of these is:—

אולי שמימה אזורק טפתי
ותהי למטר גשם וחתך דמעתי
על שבר בת עמי הגדול מים?

Shall I this ink-drop towards heaven throw
Into a flood to turn, and drown my tears
Upon my people's ocean depth of woe?

Fortunately the ink-drop on his pen dries up . . . but not his despair. What are we? he asks in עדר אדני (*The Lord's Flock*); a nation, a people, a race, a community? Seeing the various ways in which the Jews are exploited by their oppressors, who "skin our hide, shear our wool, and lead us in a wilderness where there is no pasture," he comes to the conclusion:—

לא עם, לא עדה אנחנו, רק—עדר.

Not a people nor community
Are we; we are—a flock.

Thus also in סלוק שכינה (*Departure of the Shechinah*). The Shechinah departs because it can no longer see the cruelties and injustice rampant in the "vale of tears"; it stops a few minutes with the poet and whispers to him:—

צר לי עליך המשורר בן אוני,
גם אתה, ידעתי, הלית כמוני:
נרדך יבאש פה מצחנה ורפש,
ומרחב יה אין לך להלך הנפש . . .

My sympathies to thee, unhappy bard,
My fellow sufferer, like me as grieved;
Thy bloom evaporates for lack of air,
Thy soul is stunted for the lack of space.

For what is the fate of the poet, after all?

צר לי, בעל החלומות, צר לי עליך
ממרורים תשבע כל חיי הבלך:
תישן, תראה חלום, רגע תנוח,
תיקץ, תראה שברו—שבר ברוח . . .

Alas, for thee, O thou who dreamest dreams,
Thy life is one long chain of bitterness;
Thou sleepest, dreamest—momentary peace—
How breaks thy heart at the awakening!

(vol. I, pp. 113-14.)

How, then, can the poet sing of joy and happiness? “In my youth,” he says in בעלות השחר (*At Dawn*) (vol. IV, 1-4), “I used to rise with the dawn, invoke my muse, and sing of love, of friendship and delight, of freedom, and hope and comfort.” But a change came over the vision of his dream. For—

Ere yet the morn in glory rose,
While yet I tuned my harp's sweet string,
A change came over me, alas!
I can but wail—I cannot sing!
For frightful dreams I saw by night,
I saw my people—horrid sight!

He saw the lowliness of his people, their numerous bruises, their false friends and evil teachers, sources of their poverty, and his life became embittered:—

No more my joyous strains shall ring;
Of freedom, light, I must despair—
Eternal servitude I sing,
I dream disgrace, polluted air.

The rhymes which from my pen-point flow
Are tear-drops on my nation's woe.

Henceforth my muse is raven black:
Each word a curse; each phrase a dirge!

And with all that, Lilienblum and Mordecai Cohen say that Gordon was not a national poet. Verily the ways of the critic are strange.

The riots of 1881 called forth two poems of Gordon, the one בנעריו ובזקניו נלך (*We will go, both Young and Old*) breathing defiance; the second אחותי רוחמה (*Sister Ruhmah*) consolation. In the former he says:—

עם אחד היינו, עם אחד נהי,
כי ממקבת בור אחד נקרנו:
יחריו נחלוקה גם שמחה גם נהי,
זה שנים אלפים מעת נפורנו . . .

We were one people, one we shall remain—
Out of the self-same well our course was hewn;
Both grief and joy we shared them all alike
In exile these twenty centuries.

And even though—

הסער מתחולל, יהום הרוח,
מים זידונים עד צואר הגיעו,

The storm rages, winds terrific howl,
The foaming waves up to the throat have reached,

we will not give up the fight, but—

נחזיק באלהים, רתו אל נעזובה,
ושפת קדשו אל תשכח מפינו . . .

To God we cling and to his Law—
The holy tongue we'll not forget . . .

Yet, if—

אם גמר האל כי עוד נחזיק בפלך
בנעריו ובזקניו נלך.

By God's decree to wander we are doomed,
We go both young and old.

In a more passionate and vehement tone the poem אחותי רוחמה is one of the strongest and most pathetic of Gordon's lyrics. The dedication is devised by the ingenuity of persons who are not allowed to speak freely; but the symbol is well understood, and is the more

appealing. The poet addresses himself to the daughter of Jacob whom Ben-Hamor has defiled—an allusion to Gen. xxxiv. He begins with words of condolence:—

מה תתיפחי אחותי רוחמה,
מה נפל לבך מה רוחך נפעמה,
ולחיך שושנים מה נבלו
אם באו שורדים וכבודך הללו.
אם גברה האגרוף, יר זדים רמה,
הבך העון אחותי רוחמה?

Why wailest thou, O sister dear?
And wherefore do thy spirits droop?
Thy rosy cheeks why wan and sear?
Thou wast defiled by a bestial troop!
If fist prevails, if cowards assault,
O sister dear, is that thy fault?

After showing to her that she was not at all rendered impure by the bestiality of her assailants since the very blood they spilled will mark them like Cain with the blood of Abel, he finds some melancholy consolation in her dishonour:—

. . . I patient bore
With aching heart and body sore
Afflictions, pains which did befall;
Yet hoped, nor left my land withal—
But thy disgrace I cannot bear,
Come hence, come home, O sister dear.

And he ends by saying that since we have neither a house nor a mother, let us go to another inn, let us go to the land where freedom reigns supreme, where no man is ashamed of his nation or of his God¹.

¹ The solution that Gordon suggests in his poem is evidently emigration to America, and not to Palestine. The following quotation from a letter written to M. Gordon in 1885 will throw some light on Gordon's attitude towards Zionism. In response to Lilienblum's criticism that he did not sufficiently bewail the afflictions of Israel (referring to the riot of 1881), and that he did not sing in honour of Zionism, he says in his letter:

But to return to his personal poems. In *בצאתי מטעלו* (*At my Departure from Telz*), written in 1872, the poet enumerates his exertions on behalf of his people and ends with the self-gratulation:—

ובכן שש שנים את אחי עבדתי
 עתה אצא אין כסף—אך לא חנם:¹
 לא לתהו והבל כחי אברתי,
 עוד יראה פעלי על נכדם על נינם.

And so, six years my brethren have I served,
 And go without reward; but not in vain
 My labours and the duties never swerved:
 Their children's children through my work will gain.

But in the following poem, *מחלת הזכרון*, his despair steals upon him again. He addresses himself to Purah, Lord of Oblivion, and begs him to cause him to forget his former ideals. In this poem Gordon shows himself iconoclastic.

“The reason I did not write any Jeremiad on the riot was because I did not see any use in it. Have we not enough lamentations? and will lamentations in Hebrew affect our enemies who don't read Hebrew anyhow?”

מה נטיף לעברים? הם ענים ידעו:
 נטיף לעמים, יחרדו, ישמעו.

Why preach to Jews? They know their misery.
 Unto the nations preach, and let them hear
 And tremble . . .

It is false that I am opposed to the ideal of a national resurrection. Like all faithful and loyal Jews I desire to see the salvation of my people; but I wish this redemption to be complete and not merely to be delivered from the yoke of the nations only to fall beneath a more terrible yoke—that of ignorance. How can a nation exist without civilization? Our fathers escaped from Egypt and took along their silver and gold, but not their darkness and plagues . . . If we are to leave Europe without taking along their civilization, what is the good of leaving at all? It is better to perish in slavery than to lead the supposedly free life of the savage. These are the reasons why I did not write any poems on the recent events. At any rate, silence is not opposition. A secret love is sometimes better than an open one.” (*Letters*, vol. II, pp. 113, 114.)

¹ An allusion to Exod. xxi. 2, 11.

In his youth he awaited every day the arrival of the Messiah—he did not come. He hoped that the Haskalah would prove a blessing—it proved a failure. The Hebrew language used to be his delight, for he thought that—

בחיות השפה ישוב גם עמה לחחיה

The nation revives with its tongue's renaissance,

and, like a lover, he found pleasure in her speech, in her every expression; even more—

כמקדש היתה לי, בפני אלהים פניה.

She was my altar—nay, my goddess she.

This hope was also doomed to disappointment. If he could only forget his former dreams; but he feels there is no hope, unless “by means of his epitaph.”

To this appeal Purah suggests drunkenness or charms as an antidote to unpleasant recollections, to which the poet replies:—

אהה עברי אנכי נזיר מני רחם,
 יין לא ישכח רישי, בִּשְׁתִּי לא אנהם:
 ואהה משכיל אני, טעמתי מפרי כחש:
 בכגלות לא אאמין, לא קסם בי, לא כחש:
 אוי, אוי לי, משכיל עברי, אין מזון אל שברי,
 רפא לא ארפא עד באי אל קברי . . .

I am a Jew, alas, of Naziritic race
 And cannot find oblivion or mirth in drink—
 Alas! I am a man of intellect and think—
 No confidence in magic formulas I place.
 Woe unto me, a Jew of intellect possessed!
 Incurable I am until my final rest. (vol. V, p. 26.)

Again, he exclaims in despair:—

על מה אדברה, אחי, על מה רוחי אביע?
 אוי לי אם אחריש, אוי אם קול אשמיע:

What shall I speak of, brother, what announce?
 Woe if I speak, woe if I hold my peace. (ibid., p. 36.)

and after such an outburst we may believe with him that—

אולי נשמת הנביא הענתותי
היא המחיה אותי . . .

The Jeremaic soul perchance
Within my frame new lodgement found.

In his more calm moods he felt the sweet consciousness of duty well done:—

אני הגבר¹ את חקי השלמתי
ששת עלי יוצרי, חלקי ממעלה:
רגע לא נחתי, נפשי לא דוממתי,
עוררתיך להבחין בין יום ובין לילה.
(vol. V, p. 28.)

I chanticleer, the task performed
Which from on high fell to my lot:
Announced the near approach of morn,
I lusty crowed, and wearied not.

Addressing himself to his pens:—

אתם עמי עדי נגד כל קמי
כי בתם וביושר יגעתי כל ימי:
כי כסופר בעמו מלאתי חובתי,
ומנוחה עד יום אחרון לא מצאתי.
(vol. I, p. 123.)

Be ye my witnesses against my foes
That in all honesty my lines I penned;
A nation's scribe—my duty I fulfilled,
And rest nor sought nor found until the end.

Again, in a poem to Dolitzky, he expresses his optimism in the following noble apostrophe:—

אימים החיים, ונורא מותנו . . .
אך אל שנינו מפניהם נחתה:
לא עצים יבשים אנכי ואתה,
ומגלם קהה לכחור עצמנו . . .
.

¹ The word נגר is homonymous.

Life is awful—death is dire, . . .
 Of them we both stand not in dread;
 We both are not mere barren trunks,
 Too dull's the axe to strike us dead, . . .

כמוני כמוך אל נא ננחם
 על חלומות שתחלום ועל אשר חלמתי . . .

Nor you nor I will e'er regret
 The dreams you may and I did dream.

לא מקסם כזב ראיתי בחלומי,
 ותרמית עינים גם אתה לא תחו:
 לכן אל תירא כמוני משחת,
 הא לך עטף, עלה רש מקומי! . . .

'Twas no mirage in dreams I saw,
 Nor shall false light thine eyes deceive:
 Like unto me the grave defy,
 Soon I am gone—my pen receive! . . .

This poem was written July 14, 1892. Three months later Gordon was no more.

Conclusion.

The preceding chapters will, it is hoped, have given the reader a comprehensive idea of Gordon as a poet. To quote all the noble passages of Gordon's poems would be to reproduce the six volumes of poetry which he left behind him. We have dwelt somewhat at length upon his Jewish poems, because they, more so than the others, tend to show the true nature of our poet, though his *חנה לאחר שלשים שנה* (*Hannah after Thirty*) and *בית מועד* (*The Cemetery*), which are human and express the Weltschmerz, are equally forcible and sympathetic. The latter would, in fact, compare with Gray's *Elegy*. His *Elegy* *הוי אח* (*Oh, Brother!*) on his friend Micah Joseph Lebensohn, written in 1854¹ at the age of twenty-

¹ In his preface to this poem, Gordon describes the state of his mind at the beginning of his career in 1854:—

“Those were the days before the young grapes ripened; the days of the

two, in the form of a morality play, is a masterpiece of poetic expression, and shows a mastery of language unequalled in Hebrew literature. Of his 123 fables, 36 of which are original, the translations surpass their originals by their beauty of style and diction, and his original fables are rich in humour, and pithy. His epigrams and Almakams are keen and brilliant. However, as this essay has been somewhat too long already, we can but mention Gordon's other poems *en passant*. To sum up we may say, and with truth, that Gordon stands pre-eminent, in fact unique, in Hebrew literature as a master of language, as a poet, and as a humorist.

Gordon complains of a lack of appreciation on the part of the Hebrew reading public. Thus, in a letter written in 1880 to his bosom friend, Kaplan, he says: "My work in the field of Hebrew literature, and all the honour of the new Jewish literature is vanity. What good is it to me to have written my verses, seeing that nobody appreciates my work? My songs are like the crowing of the cock which only peasants hear and understand. . . . Can I expect praise after death who have been almost forgotten while living? . . ." Again, describing the funeral of Nekrassoff, Russia's national poet, and the honours showered upon him (Dec. 30, 1879), he says¹: "I also hoped to be a Jewish Nekrassoff; I also hoped to break the Jewish chains by the force of my words and to level the wall which surrounds them, the Chinese wall, by the

fledgling just coming out of its shell. A ray of light broke forth and I saw that the day was approaching for me to go out in the barn and to seek grain for myself; but my feathers had not yet sprouted, and my beak was not yet sharp enough. The walls of the Beth Hamidrash began to totter and I was standing one foot in the four cubit of the Halachah, and the other in the regions of life. When I began to walk with trembling knees, to shift for myself, and there was nobody to help or support my tottering steps, I met Lebensohn, . . . a fledgling like myself, but with grown feathers and a stormy spirit—and he showed me the path to light. Some steps we plodded together, he leading and I following. Alas! he disappeared too soon! . . ." (*Letters*, vol. I, p. 277.)

¹ Ibid., p. 23.

trumpets of poetry (an allusion to Joshua vi. 20). But my people does not understand—therefore I shall not die the death of poets like Nekrassoff; my people will not stone me with poems, nor crown me with flowers; would that they do not crown me with thorns, and do not stone my coffin!”

Fortunately Gordon was not right in thus complaining. These letters must have been written under the impulse of momentary disappointments. It was true that he was greatly chagrined, and the peace of his mind was disturbed by the unfavourable and unjust criticism of M. L. Lilienblum, who was his friend; for he thought that the critic voiced the popular sentiment. But Frishman's brilliant reply, and the polemics of other writers against Lilienblum, should have reassured him. The banquet given in his honour on the twenty-fifth anniversary of his literary labours in 1881, and the numerous letters, dispatches, and poems of congratulation proved that he was still looked upon as the “Lion of the Company.” And when the Lion was dead a cry of sorrow rang out from the hearts of his admirers—and their name is legion—not only throughout Russia, but wherever there was a Jew who read Hebrew, for every one felt that with the death of Gordon, the Haskalah lost one of its most daring champions, and the Hebrew muse its darling child.

No nobler tribute can be bestowed on any poet than that which Gustav Karpeles did on Gordon, and we close with some extract of his article in the *Allgemeine Zeitung des Judenthums*, 1892, no. xliii, pp. 506:—

In the Schiller homestead at Weimar a poor young wanderer came once with the question, “Does Schiller live here?” “Yes,” was the reply, “he lived here, but he is long since dead.” “Schiller dead!” The poor lad could not comprehend it. “Can a Schiller die?” I can well imagine that a similar incident may occur to some Jewish youth in the future. Leon Gordon dead! and with these words a world of poetry and fancy is destroyed for thousands of our co-religionists.

“He was a great poet; a pillar of fire of the muses.”

Soft and lovely, pure and bright rang his song when it sang of human

feelings. A ray of the light of love diffused itself through his poetic creations, and gave them a peculiar character. He was not a mere singer of lamentations, but a leader on the path of progress and freedom. His vivid perception of the conquests of the new time expressed itself in his songs, pervaded by a profound grief which moved every feeling heart by the delicacy of lofty sentiment and by the spirit of truth; also the old song of Zion found an echo in his poems.

Poetry with him was not a profession but a holy avocation. Pure honesty and modesty which never offered appearance for life and truth, distinguished him from all his fellows. Whatever he expressed in song—the sorrows and desires of love; longing and satisfaction; grief, resignation, and cheerful reliance—all sprang of the well of pure human sympathy, deep enough to penetrate every one, bright enough to sparkle with variegated opulence. In everything a genuine feeling finds expression; one picture suggests another, but an ardent, sea-deep love for his people is always at the bottom. Gordon's art consisted in that he combined diverse elements of feelings and ideals in an artistic composition, in the shortest space, and by the simplest means. . . . Especially remarkable is the fact that in the desolate tyranny in which he lived, Gordon was a poet of freedom. This nightingale sang also in winter! And, indeed, his song was the tone of the nightingale and the lark; it announced the dawn of a new era to the poor, the oppressed, the deceived."

Dr. Karpeles concludes with a comment on the last line of Gordon's טפה זו מה תהי עליה (*A Drop of Ink*), which reads: עורני חושב ותיבש הטפה (*While I was thinking, the ink-drop dried*)—

No, my dear Gordon, your pen point was never dry. You had so much to sing and to say about all the misery that met thee! And thousands listened to thy song, and thousands lived with thee in the world of thy songs, which enchanted them like a midsummer night's dream; and thousands will revive and be elevated by the graces of thy song, the music of thy singing, the sound of thy words, and the power of thy feelings. Thy tomb will be set in their souls, and they will remember for ever thy profound feelings, thy noble conceptions, thy staunch faithfulness, thy firm truthfulness, thy pure love, lofty spirit, and, above all, thy genuinely poetic gifts.

GORDON'S "L'ENVOI."

BUT fifty years and two I lived.
Already age is coming fast.
My vigour wanes, my eyes are dim,
A cloud upon my spirit settles.

The cloud, the shadow 'tis of death!
I see him drawing nearer, nearer. . . .
My strength gives way at his approach,
Behold him aim his arrow at me!

Thy two-edged sword is but a straw!
I fear it not; it cannot fright me!
I am prepared, O death, to go
To-day or whensoever it please thee.

My work is done, within these leaves
Unto my people my soul I poured;
What matters if my day is done!
Or if my frame to ashes turn?

And may it rot, and turn to dust.
Within these leaves my soul I bound
(For leaves possess vitality)
And from oblivion thus preserved it.

Destroy my skin, my flesh, O death,
And grind me unto dust and clay
(I am but clay—the potter thou),
My soul within my books shall live!

And some may joy when I am gone,
Some may condemn me, stone my grave;
This be my comfort: one perchance
Will see my soul and understand me;

Will feel my thought and my emotions,
In flesh and skin my spirit clothe—
And if my people gain aught by it,
Then I will lie and rot—in peace.

A. B. RHINE.

AN INTRODUCTION TO THE LITURGY OF THE DAMASCENE KARAITES.

No one acquainted with the brightness, beauty, and spontaneity of thought and expression which characterize the Liturgy of the Synagogue can possibly bestow a large amount of admiration on the Services of the Karaites. As is usually the case, comparison with the really fine proves fatal, or all but fatal, to that which—without being destitute of certain merits of its own—is clearly inferior in point of beauty and the perennial interest which springs from deep-seated reality. The Karaites would probably have done wisely if they had retained the essential features of the ancient Hebrew Services and only adapted them here and there to what they regarded as their own special requirements. As it was, their opposition to Talmudism blinded them to their own better interests. The parts which they did retain they often mutilated and altered to such an extent that the few beautiful ancient phrases left shine out like pearls in the midst of a heap of far less valuable material. Nor were they much more fortunate in their imitations of classical Rabbanite models. To produce a really good and striking imitation a degree of talent is required which almost borders on genius, but—so far as poetry and higher religious inspiration are concerned—the Karaites were, and probably still are, as a body very far removed from the standard of their Rabbanite opponents. It is not my intention to speak of details in a brief introduction like this; but I will add that the estimate of the Karaite Services formed by Zunz (*Ritus*, pp. 156–62), and recently confirmed by Harkavy and Kaufmann Kohler

(*Jewish Encycl.* articles on "Karaites," vol. VII, pp. 440, 446), will certainly not be reversed by future scientific writers on this subject, although, of course, the new material that is now more generally available will greatly help to promote a fuller study of the whole matter.

The real interest of the Karaite Liturgy lies, not in its own intrinsic merit, but in its historical associations. No student of post-Talmudic Judaism can ignore the great Karaite schism which began about the middle of the eighth century, continued for a considerable period of time to increase in both polemical and social power, and still survives in a flourishing condition in the Crimea¹, although it has dwindled down to something that is not much more than nothing in its earlier strongholds in different parts of the East and European Turkey. But if Karaism must, from an historical point of view, be studied, it is clear that its forms of religious services must be studied too; for it is in the ritual of a religious body that most of its ideals, doctrines, hopes, and fears find a clear and popular utterance. Another kind of historical interest lies in the connexion that, of course, does exist between the Services of the Synagogue and those of the Karaites. It is from this point of view that Zunz approached the subject, and penned the pages of his *Ritus* already referred to. Again, the Karaite Services branched off from the orthodox ritual at a time when the Siddur, as it now exists, was in the process of formation or rather extension, and when the Maḥzōr had not even begun to exist. The question, then, arises how much the Karaite Liturgy in its earliest form borrowed from the then existing authorized or unauthorized liturgical formulae. This question still awaits an answer. It may possibly never be answered at all, but it would clearly not be right to give up every attempt at finding a solution.

¹ According to Harkavy, *op. cit.*, p. 446, col. 1, the Karaites are estimated to number at the present time 10,000 in Russia, and about 2,000 in other countries.

The best known form of the Karaite Services¹ is, however, of a comparatively late date, having been redacted by Aaron ben Joseph, who appears to have been born in the Crimea, about the middle of the thirteenth century, though he later on flourished at Constantinople². That two kinds of earlier redactions existed has been known for some time past³. One of these was said to be very ancient, and the other was ascribed to R. Joseph, the father of the Aaron already mentioned. In addition to this information there is now the fact that the British Museum Karaite Service Books preserved in MS. form (Or. 2530, 2531, 2532, 2536, besides four volumes of Piyyūtim), and representing the use of Damascus and Jerusalem, differ in almost all matters of detail from the redaction of Aaron ben Joseph, though agreeing with it in its general principle of arrangement. The question, therefore, which must be asked is whether the British Museum texts represent the ancient form mentioned in Dr. Neubauer's work, or whether it is another form again. It is not likely to be the redaction of R. Joseph, the father of Aaron; for, supposing him to have lived in the Crimea, it would be strange that his order of Services should be found in use in Damascus and Jerusalem rather than in the Crimea itself. The probability is that Aaron ben Joseph merely issued a fresh redaction of the form of Services originally planned or executed by his father, and that the later recension of this order superseded the earlier. There, therefore, only remains the possibility of the Palestinian Services being identical with the much older form already referred to. One might even regard the identification as probable rather than possible, for there is so far no other Karaite ritual to dispute the claim to antiquity thus made for the now accessible ritual of Damascus and Jerusalem. The fact

¹ Printed at Venice, 1529; Vienna, 1854, &c.

² He composed his important Commentary on the Pentateuch, entitled ספר המורה in 1294.

³ See Neubauer, *Aus der Petersburger Bibliothek*, pp. 58, 140.

that Palestine became the headquarters of the Karaite body not so very long after its rise within the Persian dominions would also seem to favour the probability that an earlier liturgical use would be preserved in the two Palestinian cities named rather than in Constantinople and the Crimea. But no fully satisfying answer can in the present state of our knowledge be given. Future discoveries may either confirm or overthrow any theory that may be formed on the strength of the data before us.

Turning now to the special part of the subject as represented by the text given in the following pages, it must be admitted that the short treatise exhibits, if not the high-water mark of the Karaite devotional spirit, at least a very fair approximation to it. It is here called an Introduction, not so much in the usual sense of affording a clear and historical insight into the details of the Karaite Liturgy—for this it only does to a slight extent—but rather because it was intended to promote the general spiritual preparedness for prayer on the part of its readers. It will be seen that pp. 510–15 deal with the proper attitude of the worshipper towards his Creator, the times of prayer, the language to be used, cleanliness, &c. On p. 515 begins a section treating on the obligation to honour places of worship, and on the manner of doing so. Then follow remarks (p. 516) on the treatment that is to be accorded to the Sefer Torah. Lastly (p. 517) there is a paragraph describing the kind of personal character that befits those who act as ministers in places of worship.

The attentive reader will easily discover the extent to which the rules contained in the treatise are to be ultimately referred to Rabbinical tradition, and he will also notice the points of difference between the Rabbanites and the principles laid down in the Karaite use of Damascus. One of the most striking rules is that the scrolls of the law are to be kept in the Synagogue only.

It should be borne in mind, however, that Karaite worship appears here in a special local colouring belonging

to a definite time; for the treatise was written, and probably also composed, at Damascus in the year 1700, and is prefixed to the forms of week-day and festival services as then in use in that city. No author's name is given, nor are any authorities quoted in it. It is possible that Daniel ben Moses Pērōz, who figures very largely as a book-collector and author at that period¹, and who (with the exception, however as it seems, of the present treatise) wrote the MS. from which the text is taken, was himself the author or compiler of it; but all that can at present be urged in favour of this suggestion is that if Daniel had not himself been the author, he would have been likely to have inserted the author's name, or given some indication of the origin of the treatise in a MS. planned and partly written out by himself with a view to presenting it to the Synagogue of his city. If, on the other hand, he was himself the author of it, his silence might legitimately be ascribed to modesty. Anyhow, all that we know of Daniel Pērōz proves him to have been a person of considerable capacity and zeal, and he was no doubt quite capable of writing a treatise like the present one.

The text derives some additional interest from the fact that it represents an undoubted specimen of the Arabic dialect used by cultivated Jews at Damascus at the beginning of the eighteenth century. A few remarks on linguistic peculiarities will be found in the notes on the text and translation. For the rest I must leave this part of the subject to Arabic specialists. My translation must in some instances be regarded as conjectural.

¹ See Pinsker, לקושי קרמוניה, pp. 130-1, 167-9 (where also several other members of his family are named); also Neubauer, *Aus der Petersburger Bibliothek*, p. 26; Steinschneider, *Die arabische Literatur der Juden*, p. 258.

I. TEXT¹.

Or. 2531.

Fol. 3 b. בשם יי' אל עולם יתש נבתי בעון את ברכר מא יגב עלי כל מומן.
והי אלעבאדה באלצלחה:

אעלם אן אלצלחה אסם משתק מן אלצלחה אעני אן אלאנסאן יתוצל
בהא אלי כאלקה והי ואגבה מן אלעקל ואלסמע לאנה תע הו אלאלאה
אלאחך באלעבאדה ואלשכר ואלתסביח ואלתמניד ואלתהליל ואלתעטים
ואלסגור ואלתקדים ואלרכוע ואלוקוף ואלתדלל בין ידיה תע ואלטלב מנה
פי קצא אלחואיג וזיר דלך מן צפח אלדנוב ואלכטאיא ואלאלהאם אלי
אלצואב • והדה הי אלאשיא אלדי תצמנתהא אלצלחה • פמן לס יעבר
כאלקה ותרך אלצלחה לזמה אלקתל • וילזמנא איצא אן נעווד אטפאלנא
עלי אלצלחה ואלעבאדה ליסהל עליהם אלתכליף אדא בלגו לה • פמן² חכם
גמיע אלפראיין אלעאמה הדה אלחכם • ואיצא לאזמה אלאנאת כאלדכור
לא פרק • וכימיה אלצלחה מרתין פי אליוס אלכליקי אלדי אולה תאני
חאל גטוס אכר גזו מן אגזא אלשפק ואכרה אכר חאל גטוס אכר גזו
אגזאיה • ווקתהמא הו בקר וערב כקולה ולעמוד בבקר בבקר להודות
ולהלל ליי' וכן לערב³ ודלך מרתבא" עלי אוקאת אלקראבין ואלשיר
ואלעבאדה אלדי כאנו יקרנוהא פי בית יי' בקו' ובעת החל העולה החל
שיר יי' וגו' אלי קו' הכל עד לכלות העולה⁴ • ווגוב אלצלחה פי הדין

Fol. 4 a. אלוקתין וגובא" מובדא" • וקד ורד פי | אלאכבאר אלצחיחה דכר צלואת
כאנו יפעלוהא אלאנביא ואלאזביאר פי אוקאת גיר אלאוקאת אלמדכורה
והי צהרים • ואשמורות • וחצות לילה • ונשף • כקו' סי' דוד עה ערב ובקר
וצהרים אשיחה ואהמה⁵ וגו' וקאל איצא באשמורות אהגה בכ⁶ וגו' וקאל
חצות לילה אקום להודות לך⁷ וגו' וקאל קדמתי בנשף ואשועה⁸ וגו' •
ובדלך אכבר אלכתאב ען סי' דניאל עה אנה כאן יצלי ג' אוקאת פי
אליוס כקולה וזמנין תלתא ביומא הוא ברך על ברכוהי ומצלח ומודא

¹ In the punctuation some of the special features apparently (though not exclusively) belonging to the Damascene dialect are reproduced in the text. The original is, however, itself irregular.

² The MS. has פאן; see the translation.

³ 1 Chron. xxiii. 30.

⁴ 2 Chron. xxix. 27, 28.

⁵ Ps. lv. 18.

⁶ Ps. lxiii. 7.

⁷ Ps. cxix. 62.

⁸ Ps. cxix. 147.

קדם אלהה¹ וג' • וקר אגמעו אלעלמא זל עלי אן אלצלוה אלחלתה
 הי צלוה צהרים הי מן אלנואפל ליסהא ואגבה • מן אכתאר יפעלהא •
 ומעלום אן אלנואפל אדא אלחזמת צארת כחכם אלואגב • וקר ראינא בעץ
 אהל עצרנא אלחזם בצלוה צהרים וחית וגרנא מן אלחזם בהא יגב עלינא
 תקויתה עלי דלך לאן אלעבאדא ינבגי אן תסתגנם פי כל וקת מא דאם
 אלאנסאן פי קיד אלחיאה וכצוצא" אדא כאן פי חאל אלצחה ואלסלאמה
 במק ולייה עה אברכה את יי' בכל עת תמיד תהלתו בפי² וג' • ואמא
 חרוד צלוה בקר עלי מא קרבוה אלעלמא זל אן חדהא מן בעד כרוג
 אלפגד וקוֹת אלנור מן קריב טהור שעאע אלשמם אלי צהור אול גזו מן
 קרצהא • ואדא אשרקת אלשמם לם יכון וקת אלצלוה ויפות וקתהא אעני
 תלאוה אלקרוב • ואמא אלמוספות גאיז תלאותהא בעד אלשמם • ואמא חד
 צלוה מעריב הו מנד יגיב קרץ אלשמם אלי אן | ינתי אלשפק • וחד Fol. 4 b.
 צלוה צהרים הו וקת תוסט אלשמם פי אלאפק ודלך מעני צהרים לאן
 צהר פראד תתניה אעני צוין צו פי אלמשרק וצו פי אלמגרב • ובעד מא
 דכרנא אוקאת אלצלוה נקול אן אלצלוה אדא כאנת מע אלואגבאח פי
 ערב ובקר לא יגזו אן תכון אלא מן אלמנול לאנא וגרנא יחזקיהו המלך
 עה ומן כאן פי עצרה אמרו אללוים בדלך כקו' ויאמר יחזקיהו המלך
 והשרים ללוים להלל ליי' בדברי דוד ואסף החווה³ וג' ואדא כאנת מן
 אלנואפל לם ילזם פיהא דלך • פאן קאל קאיל פהל יגזו לאנסאן אלגיר
 עארף באלצלוה באללגה אלעבראניה לגהלה בהא אן יצלי בא' לגה יערפהא
 אם ימנע ען אלצלוה • אלגיאב ען דלך: אלאשבה אן יצלי אלאנסאן במא
 יערפה ולא יצלי במא לא יערפה • לאכן יבעד אן יכון שכצא" מן ישראל
 לא יערף שיא" יצלי בה באללגה אלעבראניה לאן לא בד לכל שכצא"
 מנהם עלי טול אלזמאן מן מערפה בעץ אשיא מן אלצלאה ומן אדראך
 מעאניהא פאלאשבה אנה יצלי במא יערפהא אן תעדד⁴ עליה מן יאם בה •
 ואמא אלחזגה באלצלאה פיגב אן יכון נחו אלקבלה אלקדסיה אעני אלביח
 והי ירושלים והדה אלמכאן קד אכתארה אֶת ללקראבין וללצלוה וללעבארה
 מנד בני ואלמגד⁵ נסאל אֶת אן ישאהרנא עמארתה במא תנבא בה סיי'
 יחזקאל עה • ואמא מכאן אלצלוה פי אלגלות אלפצל יכון פי בתי כנסיות
 כקו' במקלות | ברכו אלהים יי' ⁶ וג' • ומן תעדד⁴ עליה אלמצי אלי בתי Fol. 5 a.

¹ Dan. vi. 11.² Ps. xxxiv. 2.³ 2 Chron. xxix. 30.⁴ תעדד = תעדד.⁵ Text apparently corrupt.⁶ Ps. lxxviii. 27.

בנסיות לאמר מֵא¹ פִּיגֵב אֵן יִכּוֹן אֶלְמִכָּאן אֶלְרִי יִצְלִי פִּיה נְצִיף מִן אֶל
 אוֹסַךְ וְהִדָּא אֶמֶר עֲקִלִי סִמְעִי • וְלֹא יִגֵּב לִכְל אֲנִסָּאן אֵן יִתְקַדֵּם לְלַצְלָא
 אֶלָּא בְּעַד פֶּעַל מָא יִגֵּב עֲלִיה וְהוּ אֲלוֹצִיו וְדִלְךְ אֲנָה יִסְתַּנְּגִי • תִּם יִגְסַל יִדִּיה
 גִּסְלָא "גִּידָא" בְּשִׁי יִרְהֵב אֶתְר אֲלִצוּאָה • תִּם בְּעַד דִּלְךְ יִגְסַל אֲלוֹנָה
 וְאַלְעִינִין וְאַלְאַנָּף וְאַלְפִם וְתִקֵּב אֲלֵאֲרָאן • וְדִלְךְ לֹאן אֲלוֹנָה מִלְקָא לִלְגִבָּאֵר •
 וְאַלְעִינִין לִלְרִמּוֹעַ אֶלְמִנְדַּפְעָה מִנְהָא וְתִקֵּב אֲלֵאֲרָאן מִן אֲלוֹסֶךְ וְאַלְאַנָּף מִן
 אֶלְרִטוּבָאֵת אֶלְמִנְדַּפְעָה מִנְהֵם • וְכִדְלְךְ אֲלִפִּם אִיִּצָּא • תִּם יִגְסַל אֶלְרִגְלִין אֱלִי
 אֲלִכְעֵבִין וְאַלִּידִין אֱלִי אֲלוֹנְדִין • וְהִדָּא אֲלִגְסַל אֶקְתֵּדָא בְּסִי אֶהֱרֵן עָה וְאַוְלֵאֲדָה
 כְּקו' בְּבוֹאֵם אֶל אוֹהֵל מוֹעֵד וּבְקִרְבָּתֵם אֶל הַמִּזְבֵּחַ יִרְחֲצוּ² וְגו' תִּם תִּנְטִיף
 אֶלְמִלְבוּס מִן אֲלֵאוֹסַךְ • וְאֵן כֹּאן לֵה תִיֵּאֵב מִפְרָדָה בְּרִסִּם אֲלִצְלָא
 פִּהוּ אוֹלִי • תִּם תִּנְצִיף אֲלִקְלָב וְתִטְהִירָה מִן כָּל דְּנִם וְגִשׁ וּפְכֵר רְדִי כְּקו'
 רִחְצוּ הַזִּכּוּ הַסִּירוּ רוּעַ מִעַלְלִיכֵם חֲרָלוּ הִרְעוּ³ וְגו' וְאֵן כֹּאן הִדָּא הוּ
 לֵאזְמָא "לִכְל שִׁכְן פִּי כָל צִלוּה וּפִי גִיר אֲלִצְלוּה דֵּאִימָא" לֵאכֵן פִּי אֲלִצְלוּה
 אוֹכֵד • וְלֹא יִנְבְּגִי לִלְאַנְסָאן אֲנָה יִצְלִי אֶלָּא בַּחִית אֵן יִפְעַל בֵּין קִלְבָּה
 וְסוֹאֲתָה • וְדִלְךְ בִּלְבָם שְׂרוּאֵל אוֹ שִׁי פִי וְסִטָּה מִתֵּל מִיִּזֵּר אוֹ פוּטָה • תִּם
 יֵאֲכֹר אֲלִצִּיצִית וְיִשְׁתַּמֵּל בָּהּ וְיִסְתֵּר וְגִהָה לִיקְטֵעַ חוּאֶסָה אֲלִטְאֶהֱרָה תִּם
 יִבְאָרֵךְ וִיקוּל: בְּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצִּיתָיו
 וְצוּנוּ עַל מִצְוֹת | הַצִּיצִית: וְהִדָּה אֲלֵאֶסְתִּתָּאֵר אֶקְתֵּדוּ בְּאַלְשֶׁרְפִּים עָה
 בְּקוֹלָה בִּשְׁתִּים יִכְסֶה פָּנָיו⁴ וְגו' וְאַקְתֵּדָא אִיִּצָּא בְּסִידְנָא מִשֶּׁה עָה כְּקו'
 וְיִסְתֵּר מִשֶּׁה פָּנָיו⁵ וְגו' • וְלֹא יִגְזוּ לִלְמַצְלִי אֵן יִחְמַל פִּי יִרְה שִׁי וְלֹא יִכּוֹן
 מִנְדִּילָה פִּי כִמָּה וְלֹא עֲלִי כְתִפָּה וְלֹא עֲלִי רֵאסָה שִׁי וְלֹא יִשִּׁיר בִּידָה וְלֹא
 יִגְמֹז כְּעִינִיה וְלֹא יִלְתַּפֵּת יְמִנִי וְיִסְרִי וְלֹא יִשְׁגַּל פְּכֵרָה בַּחֲדִית יִסְמַעָה וְלֹא
 יִתְנַכֵּעַ וְלֹא יִבְצֵק חֲדָף לְבַעִיד • וְעֵנֵד אֲלִצְרוּרָה יִלְקִיָּה בְּטֶרֶף מִנְדִּיל יִכּוֹן
 פִּי עֲבָה אוֹ בְּגִנְבָה עֲלִי אֲלֵאֲרֵךְ • וְלֹא יִתְחַאֲוֵב וְלֹא יִתְמַטָּא • וְלֹא יִגְזוּ אֵן
 יִצְלִי פוֹק צִנְרוֹק וְלֹא כְרִסִּי וְלֹא סְרִיר • וְלֹא יִכּוֹן בִּינָה וּבִין אֲלֵאֲרֵךְ וְאַסְטָה •
 תִּם יִתְגָּה נַחוּ אֲלִקְבִלָה בְּכוּף וּפּוֹעַ בְּאַקְבָּאֵלָה עֲלִי סִלְטָאן עֲטִים מִהוּב
 לִלְקָאָה פּוֹעָאן מִן הַיִּבְתָּה כֹּאֲשִׁיא "לוקאָרָה כְּקו' מִי לֹא יִירָאךְ מֶלֶךְ
 הַגּוֹיִם⁶ וְגו' וְיִכּוֹן בִּינָה וּבִין אֲלִקְבִלָה מִן אֲלִפְצָא מִקְדָּאֵר סְגִדְתָּה לֹא אֶקֶל
 מִנְהָא פִּינְחָצֵר וְלֹא אֲכַתֵּר לִיאֲמֵן כֹּאֲטֵרָה מִן אֲלִתְשׁוּיִשׁ לִמֵּן עֶסָאָה יִסְתַּאֲם
 בָּהּ • תִּם יִבְתַּהֵל סֵאעָה קִבֵּל אֶפְתַּתָּאָה בְּאַלְצְלָאָה לִיטְרֵד אֶפְכָּאֲרָה וְיִחְצֵר
 נִיִּיתָה • תִּם יִהְבֵּט אֱלִי אֲלֵאֲרֵךְ וְיִמְדָּג וְגִהָה עֲלִיהָא וִיקוּל: אֲלֵלֵהֶם אֲנִי

¹ Clearly pronounced "liamrim-ma."² Exod. xl. 32.³ Isa. i. 16.⁴ Isa. vi. 2.⁵ Exod. iii. 6.⁶ Jer. x. 7.

אמרנָ אֲנִי אֶעֱצִיִּי עָלַי מוֹצֵעַ וְטִי אֶקְרָאִי אֱלֹדִי הוּ אֶלְתֵּרָאֵב אֱלֹדִי
 מִצִּירִי אֵלִיָּה בִּאֲכַבְאֲרֵךְ לִי כִי עֵפֶר אֶתָּה וְאֵל עֵפֶר תִּשׁוּב¹ וְג' וַיִּשְׁבָּה
 נִפְסָה בִּאלְאָרִיִן אֱלֹדִי יִכַּב עֲלִיהָ בִּאֶעֱתֵרָאֵפָה בִּנְפֶסָה אָנָּה מִן אֶלְתֵּרָאֵב •
 וַיִּגְבַּ עָלַי אֶלְמִצְלִי אִיצָא אֵן יִכּוֹן עֲאֲרֵפָא" בִּאֲצוּל אֶלְדִּין מִעֲתֵקֶד פִּי | גְּמִיעַ Fol. 6 a.
 אֶלְעֵקֶאִיד כְּאִיף מִן אֵת וּמִן וְרִטָּה אֶלְזִלֵּל וְאֶלְכְּטָא חֲתִי יַעֲלֵם וַיַּעֲתֵקֶד
 בִּאָנָּה וְאֶקֶף בֵּין יָדַי כְּאֶלְקָה תֵּעַ וְקוֹף טֹאעָה לֹא כּוֹף מִן אֶלְעֵקֶאִב וְלֹא
 טִמְעָא" פִּי אֶלְתּוֹאֵב' וַיִּגְבַּ עֲלִיהָ פִּי וְקוֹפָה אֵן יֵצֵף קְדָמִיָּה וַיִּפְרָקֶהָ מִן
 גָּהָה אֶצֶאֲבַעָה לִימְכִנָּה אֶלְתִּבְאָת • וְלֹא יִגְזוּ לָהּ אֵן יִרְכָּב רִגְלָא עָלַי רִגְלָא וְלֹא
 יִחַט יָדָּהּ² עָלַי כְּצֵרָה לֹאנָּה הָדָא אֶלְשִׁי צֵד אֶלְאֲנִכְסָאֵר פִּיגְבַּ עֲלִיהָ אֵן יִכְפִּין
 טִרְפָּה אֵלִי אֶסְפֵּל וַיִּשִׁיר בְּקִלְבָּהּ אֵלִי כְּאֶלְקָה תֵּעַ • תֵּם יַעֲקֵד יָדֶיהָ עָלַי
 קִלְבָּהּ כּוֹקוֹף אֶלְעֵבֶד קְדָאֵם מוֹלָאָה מִתֵּאֲדָבָא" מִעֲתֵרָפָא" בִּמָּא גָרִי מִנָּה מִן
 אֶלְכְּטָא לֹאנָּה כְּאִטִּי מִדְּנֵב דְּלִיל חֲקִיר עֲאָנִי עֵן תִּרְבִּיר נִפְסָה וְלִים לָהּ
 עוֹנִין³ וּמַעֲיִן וּמִדְּבֵר גִּיר אֵת וַיִּכּוֹן דִּלְךָ בִּנְפֶס כְּאִיבָה וְרוּחַ מִנְכְּסָרָה כְּקו'
 זִבְחִי אֱלֹהִים רוּחַ נִשְׁבֵּרָה⁴ וְג' תֵּם יִנְתַּצֵּר לְפִרְגָּה • וַיִּצְבֵּר לְמִגּוֹתָתָהּ
 וַיִּתְאֱמַל לְרַחֲמָתָהּ כְּקו' הִנֵּה כְּעִינֵי עֲבָדִים אֵל יָד אֲדוֹנֵיהֶם⁵ וְג' תֵּם יִבְסֹט
 יָדֶיהָ לִלְאָה תֵּעַ אִימָא לְקִצָּא חֲאָנָתָהּ וּמִשְׁעֵרָא" בְּכִתְרָהּ אֶלְעֵטָא מִנָּה תֵּעַ
 כְּקו' אֶלּוּלִי עָה פִּרְשִׁתִּי יָדַי אֶלֶיךָ⁶ וְג' שִׁטְחִתִּי אֶלֶיךָ כְּפִי⁷ וְג' שְׂאוּ יָדֵיכֶם
 קִדְשׁ וּבִרְכוּ אֵת יְיָ⁸ וְג' וַיִּקְרַן אֶלְחֻוֹאֵם אֶלְבִּאֲטָנָה כְּאֶלְטֵאֲהֵרָה כְּקו' נִשְׂא
 לְבַבִּינוּ אֵל כְּפִים אֵל אֵל בְּשָׁמַיִם⁹ וְג' תֵּם יִכְלִין נִיִּיתָה לְטִלְבָּה • וַיִּלְזַמָּה
 אִיצָא פִּי חֹאֵל אֶלְתִּלְאוּהָ תַּחֲרִיר אֶלְאֶלְפֵּאֵן וְתִקְטִיעֵהָ בְּשִׁפְתֶּיהָ • וּפִי קִרְיָאֵת
 שְׁמַע יַחֲתַּאֵן אֵן יִפְצֵל בֵּין כָּל חֲרָפִין מִתְּשִׁאֲבָהָן לִילָא יִכְתֹּלְטָאֵן וְהִי בְּכָל
 לְבַבְךָ עַל לְבַבְכֶּם • עֵשֶׂב בְּשֹׁדֶךְ • וַאֲבִרְתֶּם מִהֲרָה | הַכִּנֵּף פִּתִּיל תְּכַלֵּת • Fol. 6 b.
 אֲתִכֶּם מֵאֲרִיִן • אוֹתוֹ וּזְכֵרְתֶּם • תִּשְׁמְרוּ וַעֲשִׂיתֶם • וּמָא מֵאֲתֵל דִּלְךָ פִּי
 גִּירָהָ אִיצָא • וַאֲמָא לְפִטָּה אֶחָד פִּיגְבַּ אֶלְתִּטּוּיֵל פִּיָּהָ בּוֹאִיד וַיִּשִׁיר
 בְּכֹאֲטָרָה עָלַי אֵן אֵת מִלּוֹ אֶלְסִמָּא וְאֶלְאָרִיִן וְאַרְבַּע גָּהָת אֶלְעֵאֲלֵם וַיִּכּוֹן
 אֶלְתִּטּוּיֵל פִּי חֲרָף אֶלְדָּאֵל • וַיִּלְזֵם אֶלְאֲמָאֵם אָנָּה לֹא יִכְפִּי צוֹתָהּ בְּסִבָּב
 אֶלְגִּמַּע אֶלְמֵאֲמוּמִין כְּלָפָה • וְלֹא יִגְזוּ אִיצָא לֶאֱחָד אֵן יַעֲלִי חֲסָה עֲלִיהָ וְלֹא
 פִּי תִלְאוּהָ מָא יִקּוּלָּה • וְקִיל פִּי מִן צִלָּא פִּרְאֵד וְתִרְךָ אֶלְצִלָּאָה מִעַ אֶלְגִּמַּע
 לְגִיר סִבָּב מֵאֲנַע פִּאָנָּה מִעֲאֶקֶב לֹאֵן פִּיָּה כְּלֵאֲפָא" לְקו' תֵּעַ בְּמִקְהִלוֹת בִּרְכוּ¹⁰

¹ Gen. iii. 19.² So MS.³ For עֵינָה ?⁴ Ps. li. 19.⁵ Ps. cxxiii. 2.⁶ Ps. cxliii. 6.⁷ Ps. lxxxviii. 10.⁸ Ps. cxxxiv. 2.⁹ Lam. iii. 41.¹⁰ Ps. lxviii. 27.

וג' וקיל אן ילום אלמאמומין פי חית אן יקול אמאם גדלו ליי' אתי' ינאובה גדול יי' ומהולל מאד • ואדא קאל שאו ידיכם קדש וברכו את יי' • ירפעו ידיהם ויקולו ברוך יי' • ונחו דלך וילום אלמאמומין פעל מא אמרהם אלמאם בה בחית לא יעלו צותהם בזאיד מנה וילזמהם איצא אן יצברו עליה אלי חית יסתופי הו מא יורדה • תם ינאובה כמא אלעאדה גרת בה • וילזמה הו איצא אן לא יבתרי לבעד אן יסתופו אלמנאובין • וילום אלמאם אלכונה והי כונת הלב כנגד כולם • ולא תגוז אלצלאה למן פכרה משגול בגיר אלצלאה • ולא יכון משווש כאלסכראן ואלמדהול • ואלמשגול פי שגל מהם אללהם אלא אן יכלי פכרה • וינבגי אן יגתהר פי חצול אלכונה ודלך בטרד גמיע אלאפכאר בכל גהרה • —אלאן

Fol. 7 a. נדכר אלברייכה ואלכריעה ואלהשתחוויה • אמא | אלברייכה אסם ואקע עלי גלום אלגאלס אלבארך עלי רכבתיה מתני סאקיה לורכיה • ואמא אלכריעה הי אלגלום עלי אלרכב מן גיר טי אלסאקין ללורכין כקו' ען סי' שלמה עה קם מלפני מזבח יי' מכרוע על ברכיו¹ וגו' ואדא אקרנהא בלפטה אפים כאן אלסגור באלגבהה מע אלצדר עלי אלארץ מן דון אנבטאח • ואמא אלהשתחוויה תקע עלי אלרכוע ואנחני אלקאמה וחדהא חתי יתפככו כרוז אלטהר • ותקע איצא עלי אלסגור אלי אלארץ באלגבהה פקט • אדא לם יקרנהא אפים לאן אדא קארנהא דלך כאן אלסגור באלגבהה מע אלצדר כמא קלנא פי אלכריעה • אלאן נדכר אמאכן אלתפלה • יגב אן יכונא אלמאם ואלמאמומין פי מכאן אלעבאדה אן וקף יקפו • ואן גלם גלסו ואן כאלפוח פי עמלה כאן אלשי באלצד • אמא אלמאכן אלדי יכונו פיהא וקוף מתל אלתהליל² ואלתכביר ואלתוחיד ותלאוה אלקרבן וקריאת שמע ותואבעהא ואלשירה ופצול אלמוספות • ואמא אלדי יכונו פיהא גלום ענד אלאקראר באלעונות ודכר אלודויות ומוזמור חנני ומא אשבה דלך • אעלם אן געלו אול אלצלאה והוא רחום לאן אלצלאה עויץ אלקרבן אלדי יכפר בה ען אלכטאיא פהו אלאן בעו³ מעדום מן ביננא לאן את רחום יגפר פחין אדן לפט שפתינא עוצה • פאדא אבתרי בה אלמצלי פיגב עלי אלגמאעה אעאדתה באעלאן צות • ואמא מחל אלהשתחוויה הי פי תלאת אחואל | תעמל פי חאל אלתעטים לאסמה תע • ופי חאל אלאעתראף ופי

Fol. 7 b. חאל טלב אלרחמה מנה תע • ויגב אחצאר נייה אלמאמומין ורא אלמצלי מן רגאל ונסא ותכון עלי נקא וטהארה מן אלדכור ואלאנאת לאן אלנגם

¹ 1 Kings viii. 54.

² The word אלההליל is repeated in the MS.

³ i. e. בעונותינו.

לא תקבל מנה צלאה ובאלכצוץ בעלי טומאה חמורה • ויגב עלי אלמאמומין מן אלדכור ואלאנאת אנהם לא ישגלו אנפסהם פי חרית ולא חכאיאת דניא'יה לאן תציר עבדתהם מפסודה וביתאכדו¹ מן א'ת ויגב עליהם אלצגא ללאמאם חתי יפהמו מה יורדה מן אללפט ולא יעלו חס'הם עליה ואן גאבוה יכון חס'הם דונה ווקת איראד אללתעטים יעידו כלאמה נחו מי כמוכה באלים י' • י' • ימלוך לעולם ועד • קרוש קרוש קרוש • בתנגים ולדאדה ועדובה ותשווק אלי אלנפס • ווקת איראד אלודויות ואלאקראר באלעונות חין יקראה אלמאם יציר באלמאמומין ר'קה ותחנ' ובכא ונדם ואנפעאל פי אלבאטן חתי יחתרק מנה אלקלב ותפיץ אלדמוע • פהדה אלפעל הו גאי'ה קולה זבחי אלהים רוח נשברה² פהו תע יקבל ויסתגיב מן פאעל דלך בקולה תע לס' חזקיהו ע'ה שמעתי את תפלתך ראיתי את דמעתיך³ וג' וקיל פי אלסת חנה ותתפלל על י' ובכה תבכה⁴ וג' ואלצלאה בין אלגמע עלי דלך אלשרוט אפצל מן תפלת יחיד • וקיל אן לא תחצל אלקדושה פי א'קל מן עשרה אנפס לאן דלך אזיר פי אללתעטים • ויגב עלי אלישראלים ינשדו אלבעץ ללבעץ ללצלאה כמתל מא יפעלו אלמלאיכה לאנהם | יסתעדו בעצהם בעץ כקו' וקרא זה אל זה ואמר⁵ וג' • פצח תתבית צלאה אלגמע עלי צלאה אלאחאד יתקבל א'ת אמין

ובעד מא דכרנא גמיע דלך נחתאג נדכר ואגבאת בתי כנסיות ירוהו⁶ אעלם אן ואגב עלינא אכראם בתי כנסיות ואחתראמהם לאנה סמי מקדש מעט לאנה פי הדה אלגלות אלעבודה פיה לנא מקאם מקדש גדול יבנה מהרה פקאל א'ת ומקדשי תיראו⁷ • פוגב בדלך מא קלנאה פיה והו אן לא יוכל פיה ולא ישרב ולא יסתעמל מזאח ולא צ'חך ולא חכאיאה גריבה ולא מחאסבאה דניא'יה ולא שי מן אמור אלחול לאנה קדוש • ואן כאן לה באבין לא יגוז אן יעמל טריק • ולא יעלו פוקה ללסכני סוי כדאמה יא אמא גרים אורחים מן גיר אטאלה • ואלתו'גה אליהא יכון בסרעה ויכון קבל אסתחקאק וקת אלצלאה חתי יחסב מן אלעאבדין אלזאהדין • ואלכרוג מנה בצד דלך כקו' בחרתי הסתופף בבית אלהי⁸ •

¹ The use of the imperfect with ב is shared by the dialect of Damascus with that of Egypt; see e. g. J. Oestrup, *Contes de Damas*, p. 142.

² Ps. li. 19.

³ 2 Kings xx. 5.

⁴ 1 Sam. i. 10.

⁵ Is. vi. 3.

⁶ See note on the translation.

⁷ Lev. xix. 30; xxvi. 2.

⁸ Ps. lxxxiv. 11.

ולא יגב אן ימר עליה אן¹ יפות ענה אלא בחית אן יקרא שי יא אמא מן
 אלתורה יגד' או מן אלנביאים או מן אלמזאמיר ולו אנה פסוק ואחד —
 ומן גמלה אכראמה אלכנס ואלמסח ואלפרש ואלקנאדיל ואלסתור • ואמא
 תרתיב וקוף אלנאס פיה ללצלאה • הו אלזקנים ואלפצלאל ובעלי תורה פי
 אלצדר ואלאדאין אוסטהא ואלצנאר אכרהא • ולא יגב אן ידכל אליה מן
 לא יעקל | ולא אלנסא ולא אלטפאל אלצנאר אלדי לא ידרכו שי •
 וקיל אן אלתבכיר² פי אוקאת אלצלאה ממא יזיד פי אלעמר • ואעלם אן
 אמכנת אלכנים תכתלף • פמבדאהא חצר חיצון אלדי כארגהא מתל
 אלקאעה ואוסטהא חצר פנימי • ואמא מכאן אלדביר אלהיכל מקאם ספר
 תורה • ואמא אלתיק מקאם אלארון • ואמא ספר תורה יגד' ויא' מקאם
 לוחות הברית • פוגב מן דלף אן לא יתקדם אליה אחדא" אלא ללצורורה
 ווקת אלחאגה אמא וקת כרגה ללקראה פיה או למצלחה מתעלקה בה
 ולא יגב יתקדם אליה אלא אלמתטהרין • — פנחתאג נדכר ואגבאת ספר
 תורה • אעלם אן לא יגב יכון ספר תורה יגד' ויא' אלא פי בתי כנסיות
 לאנהא מוהלה ללעבאדה ויגב אן יצע פי מכאן נחו אלקבלה • ויכון אלמכאן
 באבואבא" ומסתור עליה באלסתר • ויגעל פי תיק וילבס נמט והו יסמי
 בלשון הק' מטבחת ומן פוקה אלרמאמין³ לאן דלף מן גמלה אכראמה ולא
 יסתדבר אלמכאן אלדי הו פיה יעני יעטי קפאה וילום אלחאצרין ענד
 כרוגה מן אלהיכל אלוקוף ואלמשי מעה באלתהליל ואלתכביד כמא הו
 מדכור פי אלסדאדיר • ולא יגב אן יתזאחמו עלי מן הו חאמלה • ולא
 אחדא" ילמס אלנמט בידה ללתקבל או אלבוס ולא יתמרג עליה לאן דלף
 תגהרם עליה • ואיצא יאתר פיה אלעראק ואלריק • לאן ספר תו' שביה
 באלמלף • ויגב ענד כרוגה יקפו אלגמאעה חואליה צפוף ויכונו מאילין
 רוסהם אלי אספל נחוה עבאדה ללאה תע ואכראם לשריעתה • ויגב עלי
 מן יקבל עליה ללקראה | יכון אקבאלה עליה כאקבאל עבד עלי נאיב •
 מולאה אלדי געלה רקיבא" שאהדא" עליה כקו' והיה שם בכ לער⁴ פיקבל
 עליה מתאדב כאיף מסתצגר בנפסה תם יפתח פאה בתנביה אלסאמעין
 לה עלי תעטים אסמה תע כמא יעטם הו קבל קראתה פי ספר תו' פיקול
 ברכו את יי' המבורך פיאגאובה ענד סמאעהם • ברוך יי' המבורך לעולם

¹ Read אן ימר עליה and או יפות ענה; if the reading is אן, the two phrases represent a conflate reading.

² Read הנכיר.

³ This word is difficult to explain. Does it represent רמונים?

⁴ Deut. xxxi. 26.

ועד • תם יקרא אלְבְּרָכָה מקדמָה אלתוֹרָה כמא הו מדכור פי אלסדאדיר •
ויקרא מן אלתורה מא יכצה • ובעד דלך יקרא אלתשייעה כמא הו
מדכור פי אלסדאדיר • ואעלם אן ילזם אלגמאעה אכראם ספר תורה ענד
רגועה ללהיכל כמא דכרנא ענד כרוגה ושלום על ישראל:

ובעד אן דכרנא דלך נחתאג נדכר מא יגב עלי כאדם בתי בנסיות:
פיגב עלי אלכאדם אן יכון דא דיאנה ירא שמים בעל חרירות שבעאן
אלנפס דו קוֹה צאחב נשאט • ולא יכון מסתהתֵר כסלאן ויכון מעתקדא"
פי כדמתה להא אנהא שֶׁרֶף לה ואכתסאב אֶגֶר מן אֵת ולא יכון מתוֹהֵם
באן כדמתה להא ככדמה" אחד אלאדמיין ולא יכון מֶהֱמֵל גִּיר שפוק עלי
אמואל אלנאם ובאל אחרי עֵלִי קדש יי' • ולא יכון גֵּאִיָּה כדמתה להא
לֶאֱגִירָה יאכדהא וסֶעִיָּה יכון¹ פי אלכדמה יכון¹ לוגה אֵת חתי יכתסב
אלֶאֱגִיר מנה תע • ואן כאן כהן או לוי כאן אולי באלכדמה • ולא יגוז
לאחדא" אלתצֶבֶף פי כלי בית יי' אנה יגַעֲלֵהֶם חול • ואן תהרי שי מנהם
יכֻנּוּ ואן כאן יעוד מנה נפע יַעֲמַל מנה אשיא מן קדש לקדש ושלום:

II. TRANSLATION.

In the name of the Lord, the God of eternity, blessed be his name.

With the help of God, exalted be he, do we begin to record the obligation lying on every believer, namely the worship of God by means of prayer.

Know thou that the word צִלוּה (i. e. prayer) is a noun derived from צִלָּה, that is to say that man should by it be joined² to his Creator. It is obligatory both on grounds of reason and of tradition³. For God, exalted be he, is the most entitled to worship, and gratitude, and praise, and glorification, and laud, and exaltation, and adoration, and sanctification, and to bowing down, and standing up, and humiliation before him, exalted be he. From him also must the supply of necessities be asked, as also the remission of guilt and sin, and inspired guidance to rectitude. And these are the things comprised in prayer. And he who does not worship his Creator and neglects prayer is worthy of death. It is also necessary for us to

¹ Omit one יכון.

² The author begins with a false etymology, connecting צִלוּה with the root וצל (to join) whence a *nomen actionis* صلة.

³ Literally "hearing."

accustom our children to prayer and worship, so that the obligation might be easy to them when they arrive at it. And of the principles [underlying] all the commandments these are the most general¹. It is also obligatory on women as on men; there is no difference. The number of prayers is twice in the natural day, which begins with the second stage in the setting of the sun, namely, the latter partitions in the time of twilight, and ends [the next day] in the latter stage in the setting of the sun, namely of the latter of its partitions. And their times are morning and evening, in accordance with what is written: "And to stand every morning to laud and to praise the Lord, and thus also in the evening." This has been ordered in accordance with the times of the sacrifices, and the song, and the worship, which they used to recite in the house of the Lord, as it is written: "And at the time when the burnt-offering began the Song of the Lord" down to "everything till the completion of the burnt-offering." And the obligation of prayer at these two times is an everlasting obligation. But there has also come down in the sacred narratives a mention of prayer offered up by the prophets and [other] good men at times different from those mentioned, namely at midday, the night-watches, midnight, and at the time of the [morning] twilight; as our Master David, peace be upon him, said: "At evening, and morning, and midday do I meditate and groan." He also said: "In the night-watches do I meditate upon thee;" and again: "At midnight do I rise to praise thee;" also: "I rise early in the twilight and cry." Thus has the Scripture also reported of our Master Daniel, peace be upon him, that he used to pray three times in the day, as it is written: "And three times in the day did he bend upon his knees, and pray and give thanks before God." And the learned, blessed be their memory, have agreed that the third prayer, namely, that of midday, is voluntary, not obligatory. He who desires to do so may offer it. But it is understood that voluntary things assume the character of obligatory ones when continuously attended to. And we know that some of the people of our time have continuously attended to midday prayers. And when we find persons who thus continuously attend to it, it is obligatory upon us to confirm the custom. For it is required that the worship of God should be practised² at all times so long as man remains tied to life, and more especially when he is in a condition of prosperity and peace, as his beloved, peace be upon him, said: "I shall bless

¹ The phrase is difficult in any case, but the substitution of *לְפָנָיו* for *לְפָנָיו* appears to give the best sense obtainable.

² This is a conjectural rendering. The meaning of *הַמְתָּנָה* given in the Dictionaries does not fit in here.

God at all time, his praise shall be always in my mouth." And as for the limit of time for morning prayer, it is in accordance with the decision¹ of the learned, blessed be their memory, that its appointed time is after the appearance of the morning twilight and the brightening of the light, namely from near the time when the sun-rays become visible to the appearance of the first part of its disk. But when the sun has once risen, the time of prayer is no longer. Its time, namely that for the reciting of the *Korban*, is passed. But as for "*Musāfōth*," they may be recited after the rising of the sun. And as for the appointed time of evening prayer, it lasts from the disappearance of the sun's disk till the end of the evening twilight. And the appointed time for midday prayer is the time when the sun stands midway in the firmament, this being the meaning of the word *צהרִים*, for *צהר* is the singular of the dual form, that is to say two brightnesses, one in the east and one in the west. After having mentioned the times of prayer, we say that when prayer is obligatory, namely morning and evening, it should be in a form divinely ordered², for we find that Hezekiah and the men of his generation charged the Levites with it, as it is written: "And King Hezekiah and the princes ordered the prophets to praise God in the words of David and Asaph the seer, &c." But when the prayer is of the voluntary kind, this is not necessary. And if any one asks whether a person who is not able to pray in Hebrew on account of being ignorant of it, should pray in whatever language he understands or should abstain from praying; the answer is that it is proper for a man to pray in a language which he understands and not in a language which he does not understand. But far be it that any Israelitish person should not know any prayer that he can say in Hebrew, for none of them can as time goes on help getting to know some of the prayers and comprehending their meaning. But it is proper that one should pray in a language one understands if that which he prays [in Hebrew] is difficult to him. And as for the direction of the face at prayer, it is necessary that it should be towards the holy *Kiblah*, that is to say the Temple, which is Jerusalem. For it is this place which God, exalted be he, chose for sacrifices, and for prayer, and for worship³ . . . Let us pray the Lord, exalted be he, that he may allow us to witness its restoration, as our Master Ezekiel, peace be upon him, has prophesied. And for the place of prayer in the captivity, it is best that it should be in

¹ This is apparently here the meaning of *מא קרבוה*.

² *מן אלמנול*, literally: sent down, revealed.

³ The phrase *מנר בני ואלמנל* seems untranslatable. The text must be corrupt in this place.

synagogues, as it is written: "In the assemblies bless ye God the Lord." But as for one who for some cause or other finds it difficult to get to the synagogues, it is necessary that the place in which he prays should be free of unclean matter, a requirement of both reason and tradition. And no one should engage in prayer before having done what is needful, namely purification. One should cleanse oneself, then thoroughly wash one's hands with something that removes the traces of unclean matter. After that one should wash the face, and the eyes, and the nose, and the mouth, and the cavities of the ears. This must be done because the face is exposed to dust, and the eyes to the tears which issue from them, and the cavities of the ears to secreted matter, and the nose to the fluid that issues from it, and the same is the case with the mouth. Then shall one wash the feet up to the ankles and the hands up to the wrists. This washing is in imitation of our Master Aaron, peace be upon him, and of his children, as it is written: "When they enter the tent of meeting and when they approach the altar, they shall wash, &c." Then comes the cleansing of one's clothes from unclean matter. And if a man has special garments assigned for prayer, it is better still. Then the cleansing of the heart and its purification from all pollution, and greediness, and evil thoughts, as it is written: "Wash ye, make ye clean, put away your evil deeds, leave off doing wrong." And if it be true that this is obligatory on every one both at prayer and apart from prayer at all times, it is yet more binding at prayer. And it does not befit a man to pray without having made a partition between his heart and the lower part of his body. And this is to be done by putting on breeches or something about the middle of his body like a girdle or a waist-wrapper. One shall then take hold of the *Ṣiṣith*¹ and envelop oneself in it, and cover one's face, so as to shut out the things of sense appearing [around]. One shall utter the benediction and say: "Blessed be thou, Lord our God, King of the Universe, who hath sanctified us with his commandments, and enjoined *Ṣiṣith* upon us." This covering [of the face] is in imitation of the Seraphim, peace be upon them², as it is written "With two he covered his face." It is also in imitation of our Master Moses, peace be upon him, as it is written: "And Moses hid his face." And he who leads³

¹ Here used as a singular, i. e. the *טלית* containing the *ציצית*.

² A curious use of this phrase as applied to the Seraphim, probably a mere slip.

³ In the MS. an *א* is here written over, so that the form is *אִמְאֵלִי*. Either this form or the more usual *אִמְעָלִי* generally means simply "he who is praying," but the context (see the following parts of the translation) seems to require the meaning of "*Īmām*."

the service should not carry anything in his hand, nor shall his handkerchief be in his sleeve, nor shall there be anything on his shoulder or on his head; and he shall not point with his hand, nor wink with his eyes, nor turn himself about either to the right or to the left, and he shall not occupy his mind with any tale he may have heard, and he shall not blow his nose, and he shall not throw out spittle¹ to a distance, but he should in case of necessity throw it into a corner of the handkerchief that may be in his bosom, or at his side on the ground. And he shall neither be torpid nor stretch out his hands in agitation. And it is not right to say one's prayers on a chest, or a chair, or a couch. And there shall be nothing between him and the ground. He shall then turn towards the Kiblah in fear and trembling as if he had come into the presence of a mighty ruler, fearing to meet him, trembling for fear of him, anxious to do him honour, as it is written: "Who shall not fear thee, O King of the nations." And between him and the Kiblah there shall be a space sufficient for prostration; not less than that, lest he should be hemmed in; nor more, in order to avoid disturbing the mind of him who may happen to lead the service with him². Then shall he for a time make a devout invocation before beginning prayers so as to chase away his [ordinary] thoughts and fix his attention. He shall then throw himself on the ground, and press his face upon it and say: "O God, behold I press the greatest of my members upon the place on which I tread with my feet, namely the dust to which I shall return in accordance with what thou hast told me: 'For earth art thou, and to earth shalt thou return.'" And he shall make his soul like unto the ground on which he had prostrated³ himself, by confessing to himself that he is of dust. And it is also obligatory on him who leads the service that he should be cognizant of the main principles of the Law, grounded in all the ordinances, fearing God, exalted be he, and [also fearing] the abyss of transgression and sin, so that he should know and firmly believe that he is standing before his Creator, exalted be he, in an attitude of obedience, not from fear of punishment nor as desirous of reward. And he should when standing place his feet evenly, and he should keep them apart on

¹ The word הֶרֶף is difficult, but the verb יִצֵּק makes the sense clear.

² The original is here rather difficult to construe. Dozy gives بِأَمٍّ with بِ in the sense of acting as *Imām* along with another. The same will probably hold good of the xth form as used here. That several persons officiated together in leading the services among the Karaites is shown e. g. on pp. 169-70 of this MS., where certain recitations are appointed for five דוֹנִים in succession.

³ כָּבַד apparently used in this sense.

account of his toes that he may be able to steady himself. And he should not put one foot upon the other, nor fix his hand on his waist, because such a thing is the opposite of contrition. And it is necessary for him that he should bend his eyes towards the ground, and direct his heart to his Creator, exalted be he. Then shall he cross his hands over his heart as in the attitude of a servant before his lord, well-mannered, confessing the sins that he has committed, for he is a sinner, a transgressor, vile, miserable, unable to guide himself, and he has neither one that answereth¹, nor one who regardeth, or speaketh [for him] except God, exalted be he. And this shall be done with a saddened soul and a broken spirit, as it is written: "The sacrifices of God are a broken spirit." Then shall he look for his consolation, and wait for his succour, and hope for his mercy, as it is written: "As the eyes of servants towards the hand of their Master." Then shall he stretch out his hands to God, exalted be he, praying for the apportioning of his need, and cognizant of the multitude of gifts [received] from him, exalted be he, as has said his beloved, peace be upon him, "I have stretched out my hands towards thee," "I have extended the palm of my hand to thee," "Lift up your hands in holiness and bless the Lord." And he shall join together² the inner sensations like the outer ones, as it is written: "We lift up our hearts with the hands to God in Heaven." Then shall he purify his attention for prayer. And it is also necessary for him with regard to the reading, correctness of diction, and proper articulation with his lips. And at the reading of "Shema'" it is necessary that he should make a break between all letters that are like each other, so that they should not be joined together. Such are "Bekhol-lebhābhka," "Al-lēbhabhkem," &c., and the like in other cases also. And as for the word אלה, it is necessary to prolong it much, and he should dwell in his mind on the fact that God, exalted be he, is the fullness of the heaven and the earth, and the four sides of the world. And the lengthening out should be on the letter Dal. And the Īmām should not lower his voice, on account of the congregation who follow him in prayer. Nor should any of the congregation raise his voice above him [i. e. the Īmām] nor [should they do so] in reciting what he gives out to recite. And it is said concerning one who prays in private, and leaves off praying with the congregation without a preventing cause, that he is worthy of punishment, because there is in it opposition to what he, exalted be he, said: "In congregations bless [the Lord]." And it is said that they who are led in prayer shall, when the Īmām says: "Magnify the Lord with me," respond

¹ I have ventured to substitute ענה for עין; see text.

² i. e. join them together for the purpose of lifting them up in prayer.

“Great is the Lord, and highly to be praised.” And when he has said “Lift up your hands in holiness and bless the Lord,” they shall lift up their hands and say, “Blessed be the Lord,” and other similar responses. And they who are led in prayer should do what the Īmām bids them do without raising their voice higher than his. And they must also wait until he shall have finished what he has to utter; then shall they respond to him as custom requires. Nor should he on his part begin [a fresh part] before those who make the responses have finished. And the Īmām must also fix his intention, the intention of the heart counting above everything. And prayer is not permitted to one whose mind is occupied with anything apart from the prayer, and he shall not be perturbed like a drunken man or a forgetful man, and by no means¹ like one who is occupied with that which disturbing thoughts, until he has cleared his mind. And it is necessary that he should strive to bring about proper intention, and this by driving out all imaginations with all possible striving.

Let us now speak of bowing and kneeling and prostration. As for bowing (ברִיכָה) it is a term applied to the posture of one who rests on his knees with his legs against his thigh. And as for kneeling (כריעה), it is the posture upon the knees without pressing the legs against the thigh, as it is written concerning Solomon, peace be upon him: “He rose up from before the altar of the Lord from bowing upon his knees.” And if it is joined with the word אַפִּים, it means bowing down with the forehead, with the breast upon the ground without touching the ground with his face. And as for prostration (השתחויה), it means falling down on the face and prostrating his figure by itself until the vertebrae become loosened. The term also applies to bowing down to the earth with the forehead only, when the word אַפִּים is not joined with it; for when it is so joined, it signifies bowing down with the forehead together with the breast, as we have said in connexion with כריעה. Let us now speak of the different parts of the service. It is necessary that the Īmām and the congregation should do alike in the different parts of the service. When he stands they must stand, and when he sits they must sit. And if they have done the opposite of what he does, it is contrary to what it should be. As for the parts during which they should be standing, they are, for example, giving of praise, and magnifying, and the declaration of the divine unity, and the reading of the Kōrbān, and the recitation of the Shema and what follows, and the Song of Moses, and the chapters of Mūsāfōth. And as for the parts during which they shall be sitting, they are the confession of

¹ This is a mild rendering of אלא which follows.

sins, and the recitations of the Widdūyōth, and the Psalm “Hānēnī,” and the like.

Know thou that **והוא רחום** has been appointed at the beginning of prayer, because prayer is instead of sacrifice, whereby sins are forgiven. For it is now absent from us, but God, exalted be he, is merciful and forgives, having permitted the words of our lips to be in its place. And when he who leads in prayer¹ has begun, the congregation should repeat it with a loud voice. And as for the parts for prostration, it is to be on three occasions, namely, at the magnification of his name, exalted be he, and at the confession, and at the prayer for his mercy, exalted be he. And the congregation, both men and women should concentrate their attention behind him who leads the prayer¹; and it should be in soberness and purity on the part of both men and women, for of the unclean prayer is not accepted, and more especially of those who are seriously unclean. And the congregation, both men and women, should not occupy their minds with news or worldly narrations, lest their worship should be spoilt, and they be punished by God, exalted be he. And they must attend to the Īmām, so that they should understand the words he utters, and they shall not raise their voice above his; and when they make responses, their voice should be lower than his. And when the magnification is uttered, they shall repeat his words, as “Who is like Thee among the gods, O Lord?” “The Lord shall reign for ever and ever.” “Holy, holy, holy,” melodiously and gently and sweetly, and with the soul well affected. And when the Widdūyōth and the confession of sins are uttered by the Īmām, the congregation shall evince gentleness and supplication and weeping and penitence and inward contemplation until the heart shall become inflamed thereby and the tears flow. This is the purport of what is written “The sacrifices of God are a broken spirit.” And he, exalted be he, will receive and answer him who does so, as he said, exalted be he, to Hezekiah, peace be upon him, “I have heard thy prayer, I have seen thy tears.” It is also said concerning the lady Hannah, “and she prayed to the Lord, and kept on weeping.” And prayer in the midst of the congregation is in this way better than the prayer of a single person. And it is said that the **קרושה** should not be recited by less than ten persons, for in this way the magnification is greater. And Israelites should chant one to another in prayer, as the angels do, for they call one to another, as it is written, “And they called one to another and said.” And it is clear that prayer made by the congregation is greater than the prayer of individuals. May God, exalted be he, accept it. Amen.

¹ The word **מצלי** is here used; see note 3 on p. 520.

After having spoken of all these things, we must also speak concerning synagogues, may their glory be exalted¹.

Know thou that it is obligatory upon us to honour and reverence synagogues, because they are called small sanctuaries, for worship takes place in them during this captivity, they being to us in place of the great sanctuary, may it be quickly rebuilt; and God, exalted be he, has said "And my sanctuary shall ye fear." And it is obligatory in accordance with what we have said concerning them, that one should not eat in them, nor drink in them. Nor should jests be made in them, nor should there be laughter or strange tales, or worldly calculations or any ordinary things, for they are holy. And if a synagogue has two doorways, it is not allowed to make a roadway of it, nor should one mount it for a dwelling-place except its ministers, or travelling strangers without, however, staying long. And the setting out for it should be done quickly, and it should take place before the time fixed for prayers, so as to be accounted a zealous worshipper. And the going out thereof should be done in the opposite manner, as it is written, "I have elected to tarry on the threshold of the House of my God." And one should not pass by it, or move away from it², without reading some part of either the Law, may he magnify it, or of the Prophets, or of the Psalms, even if it be only one verse. Among the chief ways of honouring it are the treasury, and the oil, and the matting, and the candles, and the curtains. And as for the order in which the people should stand therein at prayer it is to be as follows: the old people and the distinguished and the learned should be in the front, and the delicate people in the middle, and the young people behind. And no one should enter it who does not understand, nor women, nor little children who do not understand anything. And it is said that the early attendance at prayer is one of the things that prolongs life. And know thou that the parts of the synagogue differ from each other. The part at the entrance answers to the outer court which is the outlet thereof like the קאעה³; and the middle part answers to the inner court; and as for the place of the oracle which is the Haikal it is the place of the book of the Law. And as for the case [of the Law] it is in place of the Ark; and as for the book of the Law, may he magnify and glorify it, it is in place of the tables of the covenant. And it follows from this that no one should draw near it except when there is need, and in case of necessity, be it in order to take it out for

¹ Conjectural; reading ירום דורם for 'ירי' דר', but the phrase is properly used of persons only.

² See the note on the text.

³ On the different meanings of this word see the Dictionaries.

reading in it, or for mending anything connected with it. And only the clean should come near it.

We must also speak of the obligations relating to the book of the Law. Know thou that the book of the Law, may he magnify and exalt it, should only be in synagogues, for they are specially venerated in connexion with divine worship. And it should lie in a place against the Kiblah. And the place should be provided with doors, and it should be covered with a curtain, and it [the book of the Law] should be placed into a case and covered with a mantle called in the sacred language מטפחת [for מטפחת]. And over it the ornaments¹ for they are part of the honour [due to it]. And one should not turn one's back to the place where it is, that is to say, turn the back of one's head to it. And those present should stand when it is brought out of the Haikal, and they should walk with it whilst praising and magnifying, as is mentioned in the service-books. And people should not crowd round him who carries it, nor should any one touch the mantle with his hand for the purpose of receiving it or kissing it; nor should one roll in the dust before it, because this would . . .², and also because he might leave on it a trace of perspiration and spittle. For the book of the Law is like a king. And it is necessary that at the time of its going forth the congregation shall stand round it in rows, and that they should bend their heads to the ground as a service to God, exalted be he, and as an honour to his ordinance. And he who approaches to read from it shall approach it like a servant before the representative of his master, whom he has appointed to observe him and bear witness concerning him, as it is written, "And he shall there be to thee as a witness." And one shall approach it well-mannered, in fear, and thinking little of himself. Then shall he open his mouth in declaring to those who listen to him the greatness of his name, exalted be he, as he shall also declare his greatness before reading out of the book of the Law, and he shall say, "Bless ye the Lord, the blessed One," and when they hear it they shall answer, "Blessed be the Lord, Who is blessed for ever and ever." Then shall he read the blessing which is used as an introduction to the reading of the Law, as is mentioned in the service-books³. And he shall read out of the Law the portion appointed. And after that shall be read the concluding blessing, as is mentioned in the service-books. And know thou that the congregation must show honour to the book

¹ See note on the text.

² The meaning given in Dozy of جرأ cum علي pers. is "braver," "morguer."

³ סרור must be a broken plural of סרור.

of the Law when it returns to the Haikal, as we have mentioned in connexion with its coming forth, and peace be upon Israel.

And after we have spoken of these things, we must also speak concerning him who ministers in the synagogues.

It is necessary for the minister to be a person of a religious turn of mind, one who fears heaven, careful, of a satisfied spirit, possessed of strength, a man of activity. He shall not be frivolous or careless, and he shall be firm in his service to it; for it is an honour to him and a means of obtaining a reward from God, exalted be he. And he shall not be opinionated, because his service to it is like the service to a human being. And he shall not be careless or merciless concerning the property of people, and so much the more concerning the holy things of the Lord. And the object of his service to it shall not be the reward which he receiveth. And his intention in the ministry shall be directed towards God, exalted be he, so that he may receive the reward from him, exalted be he. And if he is a priest or a Levite, he is the more to be preferred in his ministry. And no one should make private use of the vessels of the house of the Lord, for he would thereby render them common. And if any of them get broken, it shall be hidden away. And if one might get a benefit from it, it may be so used: holy things being turned into other holy things, and peace!

GEORGE MARGOLIOUTH.

NOTES ON OLD TESTAMENT HISTORY.

IV. SAUL AND BENJAMIN.

THE ordinary conception of the history of Israel is necessarily founded upon that of the narratives of the Old Testament, and these, in their turn, naturally give expression to the views that prevailed at the time when the several sources were first written down, or when some compiler fitted them into his framework. But there is a fundamental difference between objective and subjective history, between the actual course of the events themselves and the representation of those events from the pen of the historical writer, and it is the work of literary criticism in conjunction with historical criticism to investigate the character of the sources and to test them in the light of history. It is evident that both must be combined. We may find an approximate date for a narrative, psalm, or prophecy by considering the internal evidence in its relation to the historical situation at a certain specified period, but unless we are in a position to conclude that our historical sources for that period are trustworthy, the results must be somewhat provisional. It is necessary to lay particular emphasis upon the claims of historical criticism, since it forces us now and again to reconsider the results of literary criticism, and at times to qualify and correct them. Historical connexion or the continuity of history, upon which historians naturally lay much weight¹, accordingly compels us to go behind literary critical results; and in view of the character of the material, strict methods of research can only be applied where the literary material is comparatively wealthy.

External witnesses before the period of Old Testament history, in particular the Amarna Letters, present a picture of early Syria and Palestine under certain political conditions, and when every allowance is made for the exceptional circumstances of that age, one is able to gain a faithful impression of internal relations, of the life, and even of the thought of the fifteenth century. Six centuries later the historical material is again comparatively rich, and the Assyrian evidence provides welcome independent testi-

¹ Cp. e. g. Kuenen, "The Critical Method," in the *Modern Review*, 1880, p. 481, *et passim*.

mony for the general situation in the middle of the ninth century (about 860-839 B. C.). With the help of the evidence based upon a critical study of this period, it is possible to estimate more safely the details of the scantier sources for the years which immediately precede and follow. Midway between these two important periods come the beginnings of Hebrew history. Here we are almost entirely without external evidence, and are practically confined to a considerable body of native literature of unequal historical value. The very bulk is overwhelming, and he who has followed the external evidence through the Amarna Letters and the Egyptian data, finds himself suddenly plunged into a new world. The work of literary criticism has successfully disentangled the threads, and enables us to view the whole in its proper perspective. It is the work of historical criticism to determine the historicity of these early traditions. As is well known, it is a matter of dispute at what point to begin the history of the Hebrews—with the patriarchs; the Exodus; the judges; the first kings? Strictly speaking, the history presumably begins where the situation is such that it fits naturally into the course of events regarded as a whole. But in the scantiness of our external evidence, particularly for the twelfth and eleventh centuries, there is hardly sufficient material for our purpose. Hence it is necessary to examine anew the early traditions; to attempt to classify them, and to resolve them, as far as possible, into their constituent elements in the hope of determining the relative position of each in the history of the people.

When it is considered how remote is the period with which the narratives deal, it is proper to ask how far we are entitled to assume that early compilers arranged their material in strict chronological order, and when we realize the rapidity with which tradition springs up or reshapes itself in the East, it is difficult to determine how much confidence can be placed in records, purporting to relate to events of—let us say—the eleventh century, which are preserved in a literary form of the seventh, eighth, or even ninth century B. C. It does not seem justifiable, at all events, to assume that there was a long gap between the earliest written narratives and the considerably later exilic literary activity. Indeed, on the strength of literary criticism, it is evident that we possess a series of records which are obviously earlier than the Deuteronomic standpoint although approximating it. Accordingly, if many of the oldest portions of Samuel are to be regarded as almost—or, for historical purposes, practically—contemporary, we are forced to assume that for a considerable period the work of putting tradition into writing was at a standstill. This does not seem probable.

In the conjectural attempts which have been made in the course of the present series of notes to sift the traditions extending through the books of Judges and Samuel, one definite goal has been kept in view, viz. the oldest traditions of the time of Saul. It was held, that (a) on literary grounds there was support for the belief that the introduction to the oppression of Israel by Ammon and the Philistines (Judges x. 6 sqq.) marked the commencement of a period which ended with Samuel's great victory at Mizpah (1 Sam. vii)¹. These chapters cover the ground from Jephthah to the rise of Saul. (b) On literary grounds, again, it was held that the appendix to Judges (Judges xvii-xxi) was of distinct origin; that the stories of Samuel's youth arose after his life-work, and that the older portions of 1 Sam. i-vii are confined to those narratives which relate to Eli and the ark². (c) The establishment of the monarchy under Saul is marked by literary features analogous to those of the Introduction, in so far that the former contains recognizable secondary tradition (1 Sam. viii, x. 17 sqq., xii) overshadowing the earlier narratives where the figure of Samuel is less idealized. It seemed necessary (d) that for historical criticism the attempt should be made to realize how the history originally read before the late (Deuteronomic) redaction, and the Introduction in an earlier form appeared to imply an earlier account of Saul's accession. From the historical point of view, the stories of Samson could be readily ignored, since with the history of Central Palestine (already detailed in Judges vi-ix) they had no points of contact. But they dealt with a Danite hero and with affrays with Philistines, and thus appeared to have some material connexion with Judges xvii sq., and these in turn appeared to be linked with the older passages in 1 Sam. i-vii. Moreover, their contents appeared on historical grounds to be unsuitable to their context; they broke the continuity of history, and were associated with other cycles of tradition which implied other circumstances and conditions. On these grounds the tradition which had placed them in the days before Saul's accession was regarded as untrustworthy. Literary points of contact between the Introduction and Saul's rise, the impossibility of finding the historical situation which the latter presupposed save in Judges x. 6 sq., and the unsuitability of the intervening narratives thus appeared to point independently to the conclusion that the original object of this Introduction was to prepare the way for the last judge and the first king of Israel. Although

¹ For earlier views regarding the connexion between the chapters of Judges and 1 Sam. in question, see G. F. Moore, *Judges*, 276; H. P. Smith, *Samuel*, 4; K. Budde, *Samuel*, 2.

² See above, pp. 126, 129, 347 sq.

these intervening narratives do not appear to be available for the history of this period, they have a distinct value of their own. History is something more than the bare record of facts, and even the most untrustworthy of accounts is precious material for the study of the development of thought and tradition. Although removed, therefore, they are not altogether rejected, and it is not improbable that room for some of them could be found in certain other cycles of tradition which they both illustrate and supplement.

The importance of observing carefully the literary features of a document as a preparation for its historical criticism is obvious. If, in the study of the history of a certain period, it is found that the narratives are derived from two or more sources, it by no means follows that each separate source represented the same historical background as or was parallel to the others. The critical investigation of the Hexateuch teaches that the attempt must be made to view each separately in the first instance: the mere presence of literary complexity being an indication that *for some reason* an editor or compiler has exchanged one source for another. Naturally, a break in the literary continuity does not necessarily entail a break in the historical continuity; it may happen that the sources will sometimes appear to have traversed the same ground. On the other hand, the whole standpoint may be markedly different, and it may have to be recognized that the two not only cannot belong to the same period, but also cannot reflect the same historical situation. It is at once clear that the later theocratic account of Saul's election cannot be reconciled with the oldest narratives, and this is now very generally admitted; but the exilic standpoint was no sudden growth, it was the outcome of a gradual development which must have left its mark somewhere in tradition, whether oral or written. It is precisely these stages in its growth which seem to account for the accumulation of tradition around Saul and the circumstances attending his rise: the intervening narratives representing the progress of tradition in the intervening centuries between the earliest written narratives and the latest exilic (or rather post-exilic) redaction.

It has been suggested that the traditions which have grown up around Samuel find their analogy in the literary history of the figures of Elijah and Elisha (p. 349 above). Originally, it is possible that Saul rose without the intervention of Samuel¹. There was a tendency in certain circles to magnify the part played by prophetic

¹ Similarly, several critics are of opinion that the account of the anointing of David by Samuel (1 Sam. xvi. 1-13) is a late addition.

or priestly figures in the history of great political events, and considering the immense importance of Saul's period it would not be surprising if tradition, perhaps at a comparatively early stage, associated the rise of the new king with the prophet's activity. The literary evidence is not conclusive, but the following notes will show how far the belief can be justified.

The tradition that Saul's home was in Benjamin is undoubtedly persistent, but it does not enter into the oldest account of his defeat of the Philistines¹; and the story of his deliverance of Jabesh-Gilead (on the analogy of the stories of the judges) might suggest that his home lay near that city. Where Saul's history is intertwined with that of Samuel or David, Benjamin is prominent, but in one noteworthy chapter, where we have an independent narrative of Saul, the indications point to a more northerly centre². Here Israel is at Jezreel (cp. Saul at Endor, xxviii. 7), the Philistines at Shunem and Aphek, and the battle is on Mt. Gilboa. Was Saul's original home in this district? The evidence supplied by his genealogy (ix. 1) is indecisive, and, unfortunately, in addition to its unnatural length, the details are not above suspicion. It was enough to describe David as "a son of Jesse" or Jeroboam as a "son of Nebat"; not until a considerably later date do the genealogies become extensive. Hence it is possible that the fullness of Saul's ancestry is due to conflation. It would be tempting to suppose that the traditional Benjamite origin has been combined with an older—the original one. We learn that Saul was the son of "a man of Benjamin, whose name was Kish, the son of Abiel, the son of Zeror, the son of Bechorath, the son of Aphiah, the son of a Benjamite." Kish might suggest some connexion with Kishon; Zeror (*αρεδ, σαρα*) might point to Z-r-d—thus suggesting Zeredah³; Bechorath can stand for Bichri, the Benjamite clan, but Lucian's recension read Machir; Aphiah has been emended to "(from) Gibeah," but the LXX *αφεκ* takes us northwards to Aphek. We can scarcely venture to recover the oldest form of the genealogy from this, but it is clear that for some reason or other the text has suffered, and in its present form indisputably makes Saul of Benjamite origin. But the variant readings and

¹ See above, pp. 122 sqq.

² See above, p. 132. Josiah's tactics in marching north to Megiddo to arrest the progress of Necho can scarcely be cited as an analogy; the historical circumstances are entirely different.

³ The reading Zeredah is not certain (*Encyc. Bibl.*, s.v.). It is not safe, therefore, to associate the name in Saul's genealogy with the home of Jeroboam I (1 Kings xi. 26). But it would be very natural if tradition had held that this king was associated with Saul's home or family.

the state of the text are phenomena which require to be kept in view.

Next, the account of Saul's wanderings in search of the lost asses is again unfortunately indecisive (ch. ix). We are shown Saul and his servant journeying after the lost asses. The search is fruitless, and at length Saul proposes to abandon further attempts. He fears lest his father should grow anxious for their safety, and one could gain the very natural impression that their journey has been a long one (contrast ver. 20). The narrative describes the route in a somewhat remarkable manner (ver. 4): "And they passed through Mount Ephraim, and passed through the land of Shalishah, and did not find [them]; and they passed through the land of Shaalim, and they were not there; and they passed through the land of Benjamin, and did not find them¹": (by this time) they had come to the land of Zuph, and Saul learns that "in this city" there was a man of God who would be able to direct them (ver. 5 sq.). The place-names are lamentably obscure. Shalishah may be the Baal-Shalishah of 2 Kings iv. 42, whence came the man who visited Elisha at Gilgal; Shaalim may suggest the land of Shual (1 Sam. xiii. 17), or Hazar-Shual in South Judah (1 Chron. iv. 28); but it is conceivably an error for Shaalbim near Aijalon and Bethshemesh. The site of Zuph and the identification of "this city" can scarcely be recovered from this passage. It will doubtless be readily admitted that the linguistic character of the verse is noteworthy; the passage has the appearance of being unduly loaded, and it seems safe to assume that it has been revised in favour of some specific tradition. If the present intention of the verse is to bring the scene of the wanderings into close connexion with Saul's traditional home, it is conceivable that the earlier view implied another situation.

Again, when we turn to the account of the homeward journey, the evidence is still elusive. Rachel's sepulchre is to be placed either in the neighbourhood of Bethlehem (Gen. xxxv. 19, xlvi. 7, glosses?), or north of Jerusalem; Zelzah is obviously a corrupt reading, and emendations cannot be of any assistance. The oak of Tabor obviously suggests the north, but, following the prevailing tradition, has been identified with Deborah's tree, between Ramah and Bethel (Judges iv. 5). The question is here complicated by the probability that the successive charges are due to repeated redaction (*J. Q. R.*, 1905, p. 124 sq.), but one may attach some importance to the situation in ver. 3 which implies that Saul on reaching the oak of Tabor would meet messengers on their way to Bethel. Even the name Deborah itself

¹ עָבַר ("pass through," or "cross into"), in the singular, in every case except the third.

suggests a connexion with Daberath at the western foot of Tabor (see G. F. Moore on Judges iv. 5).

We have next to consider where Samuel's home was placed. The genealogy in 1 Sam. i. 1 is exceptionally long and in all probability conflate, and it is quite uncertain whether two views of Samuel's ancestry have been combined¹, or whether some of its members should not belong to the genealogy of Eli who is so abruptly introduced into the narrative. Tradition has placed his home at Ramah, and the name is common enough: Bêt Rima, north-east of Lydda; Râm Allah, nine miles, and er-Râm, four miles north of Jerusalem; a south Judæan site has also been thought possible. But Ramah is said to be Zuphite, and it was in Zuph that Saul found Samuel (ix. 5). Here, unfortunately, the name of the city is not stated (ver. 6), whence it has been conjectured that the narrative implies that Ramah was *not* his city. But it must be admitted that if a scribe could easily delete the original name, it would have been equally easy to add Ramah as a gloss. Zuph has even been identified with Zephath, south of Beersheba, and it has been observed that Samuel's sons were judges in Beersheba (viii. 2); David's flight to the south of Judah, it has been thought, was for the object of being near Samuel, and support for this has been found in the appearance of Samuel near Carmel (south of Hebron) in 1 Sam. xv. The evidence which has been surveyed is hardly strong enough to allow any confident conclusion. There can be no doubt respecting the view which the present traditions would have us take, but considering the character of the texts it is hardly an unfair suggestion that attempts have been made to modify and adjust some earlier tradition. On the analogy of the stories of Elisha, for example, we may hesitate to confine Samuel to one particular home; one cycle of traditions may have placed him in the vicinity of Saul's court; whilst in another the scenes of his activity may have been among the prophetic guilds.

The particular details which have been noticed are extremely complicated, and tantalizing in the possibilities they afford. Leaving these on one side, it is noteworthy that in 1 Sam. ix. 1-14, Saul (of Gibeah?) seems to be ignorant of Samuel (cp. ver. 19), although the whole trend of the traditions in their present form would show that they lived within a few miles of each other. This might be explained away by the view that Saul is here represented as a raw stripling². In

¹ Marquart, *Fundamente israel. u. jüd. Gesch.*, p. 12 sq.

² See above, p. 124. Those who regard the discrepancy as illusory must find Saul's ignorance perplexing.

ix. 15 sqq., the fact that Saul is to come "from the land of Benjamin" (ver. 16) points somewhat forcibly to the view that their homes were remote. If Saul came from Gibeah we might expect his journey to have taken him far away from Benjamite territory; is it safe to assume that the time had been spent in wandering about a comparatively restricted area?¹

These considerations, however, are not of great weight by themselves. But on the strength of one cycle of traditions, it is reasonable to conclude that Jerusalem, if not the district immediately surrounding it, was Jebusite (cp. above, p. 356 sq.), and it does not seem to accord with ordinary probability that Saul's home was at Gibeah, only a few miles to the north. Moreover, when we turn to another cycle of traditions, it is not easy to reconcile the ordinary view with the circumstance that the country was in the greatest distress owing to the Philistines, and that some of the Hebrews had deserted to the enemy, whilst others had taken refuge beyond the Jordan. The state of affairs, already outlined in Judges x. (p. 127 above), demanded prompt action, and leaves no room for aught else. The oldest traditions of Saul knew of a crisis when the people were plunged in the lowest depths of despair, and only those statements can be regarded as appropriate which agree with this situation. Consequently, one has only to endeavour to realize the internal situation to perceive that the narratives in ix. sq. do not bear the impress of being contemporary. The people's hopeless position points to a time when the only security was to be found in flight or in hiding in caverns and holes; the roads were doubtless unsafe for travel, and there were some who may well have been forced to beat out their wheat in wine-presses to save it from the enemy. It was scarcely a time to hunt for lost asses when the land was in the hands of spoilers, and the peaceful picture of the seer and the sacrificial feast ill accord with the disturbances which the sequel presupposes. But Saul gained his magnificent victory through the help of Yahweh; it was no mere feat of arms, but an event of far-reaching consequences for the future of Israel. The circumstances were exceptional, and led to an epoch-making sequel; and whilst the achievements of an Ehud, a Gideon, or a Jephthah are related simply as isolated incidents without further ado, the history of Saul's rise has been built up into its present form by successive stages, in the course of which later ages sought to illustrate its importance in accordance with the beliefs that prevailed².

¹ It is possible that in one form of the tradition it was only Saul's *dôd* who lived at Gibeah (x. 14).

² The growth of Judges vi sq. is partly parallel (see e.g. G. F. Moore's

The attempt to recover the oldest traditions resulted in the view that two leading episodes form the basis of the history of the period: (1) The great victory over the Philistines, and (2) the deliverance of Jabesh-Gilead. Both of them are closely associated with the earlier phases of the "Introduction" and the present history of Jephthah. With the latter we may associate the subsequent events in which Gilead plays a prominent part, whilst in the former the scene is shifted to the southern part of central Palestine, and takes us to a series of traditions with which the history of David is now combined. It is here that we find particular interest in the district of Benjamin.

If Saul is traditionally associated in the closest manner with Benjamin, it is not improbable that it was through him this tribe first attained any prominence¹. It is natural to suppose that the tribes had their own cycles of traditions regarding their heroes, and if the smallest of them all first came into existence under Saul, it is possible, perhaps, to recover one of the motives of the remarkable stories in Judges xix-xxi. Many influences have tended to shape the narrative, and a new one now seems clear. It is evident that when once the theory prevailed that Israel had always been a national confederation of a certain number of tribes, there would be no room for the later origin of Benjamin. It could be, and indeed was said, that the youngest of Jacob's sons was born in Palestine, but the whole trend of tradition from the descent of the children of Israel into Egypt to the invasion of Canaan by the tribes would stand in contradiction to the older view. For the purpose of reconciliation, it might be assumed that at an early date, "when there was no king in Israel," the whole tribe was practically wiped out of existence². It will be noticed that the narrative betrays no friendly feeling towards the tribe, and consequently its details can

analysis in the *Polychrome Bible*). Here one can observe the old story of Gideon's achievement, E's account with its stories of the fleece and the episode of the altar of Baal; the preliminary account (also by E) of the prophet sent to the Israelites, and finally the Deuteronomic introduction and conclusion, the former preserving some traces of older material.

¹ On Ehud the Benjamite, see *Ency. Bibl.*, s.v., and observe that although the tribe is mentioned in Judges v. 14, the connexion with Hos. v. 8 makes the reference perplexing.

² The historical foundation for the story of the offence of Gibeah is quite obscure. Even in Hosea's time (x. 9) the sin of Benjamin would hardly have been applied to all Israel, who in point of fact justly punished the sinful city.

only be used with great caution; but it implies that the decimated tribe was built up by marriage with the maidens of Shiloh (xxi), and a post-exilic section, which might be based on a sound tradition, has prefaced this by the account of an alliance with Jabesh-Gilead.

Thus outlined, the details are suggestive. The youngest of the tribes after entering Canaan (it scarcely appears in the old stories of the Judges) is practically exterminated, and starts a new lease of life with the influx of fresh blood from Shiloh and Jabesh-Gilead at the very time that the narratives are preparing the way for the rise of Saul. The motive for the extermination of the tribe now seems apparent, and if the account of its reconstruction may be accepted, new light is thrown upon the earliest traditions of Benjamin.

A number of indications have seemed to point to the belief that Saul was originally *not* Benjamite, and since it has been found that part of the work ascribed to Joshua appears to have been based upon traditions of Saul, it is not unlikely that other features in the life of Joshua may prove helpful. If Saul, like Joshua, had come from without, it is not improbable that his obscure relations with the Gibeonites ought to be read more closely in the light of Joshua ix. We are accustomed to assume that for some reason or other Saul entered into a covenant with the Amorites of Canaan, and whilst it is far from easy to explain why the Benjamites of Gibeah found it necessary at this stage of their history to enter into an alliance, it becomes readily intelligible if we suppose that a body of immigrants had newly settled in the district¹. It may be gathered from 2 Sam. iv. 2 sq., Joshua ix. 17, that Beeroth had been effected at the same time, and the murder of Ishbaal may reasonably be regarded as an act of vengeance analogous to that demanded by the Gibeonites².

¹ H. P. Smith, on 2 Sam. xxi. 2, remarks that "such covenants were very common during the process which ended in the establishment of Israel in Canaan." To this it is to be added that they would naturally be made at the earliest opportunity, and not at a comparatively late stage in their traditional history.

² Kennedy (*Century Bible: Samuel*, p. 325 sq.) conjectures that Saul attempted to recover the ark from Kirjath-jearim (leagued with Gibeon and Beeroth in Joshua ix. 17), and rejects Koster's view that 1 Sam. 6 is unhistorical by urging "the antiquity and general credibility" of that source. The argument that very early sources are therefore credible, or that those which appear to be credible are therefore ancient, requires to be supported by other considerations, and Prof. Kennedy himself is obliged to assume that although the Philistines sent the ark from their

Both Beeroth and Gibeon play an important part in the history of Saul's house after the disaster of Mount Gilboa, and if it is to be inferred that they seized the first opportunity of vengeance, the circumstance would seem to point either to the success with which Saul ruled over these people or to a comparatively late date in his lifetime for the occupation of the district.

The old name of Benjamin was Ben-Oni, the latter half of which has been compared with Beth-On (Beth-Aven) to the east of Bethel, near Ai¹. Other comparisons have been made, but this is interesting on account of the associations of the district. According to the story, Jacob had crossed from Gilead to Shechem, and had confines, it "remained within the sphere of their political jurisdiction, and so was inaccessible to the Hebrew authorities." This explanation of Saul's dealings with the league and the attempt to reconcile divergent traditions appear to ignore the plain sense of 1 Sam. vi. The whole chapter would be stultified and its credibility endangered, if it meant that the ark was *not* returned to the Hebrews. What writer, even of the latter half of the tenth century (Kennedy's date) would have described the Philistines' anxiety to rid themselves of the dangerous object, the joy of the men of Beth-shemesh, and the contented return of the Philistine lords, if the sacred ark still remained inaccessible to Israel? But if it be granted that the narrative belongs to an entirely distinct tradition of the fortunes of the ark, one of the great embarrassments of the history of the period disappears; see above, pp. 351 sqq.

¹ The account of the battle of Ai is extremely complicated, and in an earlier stage of the narrative Bethel presumably was more prominent than it is now. The magical effect of Joshua's outstretched javelin is noteworthy (Joshua viii. 18, 26) as also are the precise allusions to his preparations for spending the night (verses 9, 13). When we consider the sacred associations of Bethel and the site between it and Ai, it may not be too bold to conjecture that a theophany in the style of v. 13-15 once found a place here. The vision in question is located at Jericho, but it is possible that the traditions have been confused. The capture of Bethel is ascribed to the Joseph tribes in Judges i. 22 sqq., and one may notice the parallels with the story of the fall of Jericho (especially Joshua ii. 12-14, vi. 23, 25).

In considering the various traditions of Joshua and Saul it is also necessary to bear in mind the possibility that some confusion may have been caused by the existence of several Gilgals (see *Ency. Bibl.*, col. 1730 sqq.). Finally, it has been suggested (p. 123 sq.) that Saul's defeat of the Philistines was concerned with a story of Gilgal, "rolling," (1 Sam. xiv. 33). Tradition has associated with the former the story of a broken vow, and Jonathan's words, "My father has brought trouble (or disaster צָרָה) upon the land" (ver. 29), recall the story of the naming of Achor after the defeat of Israel at Ai (Joshua vii).

thence turned southwards to Bethel, in which district Rachel died in childbirth¹. Another of the ancestral legends narrates Abram's journey from Haran through Shechem to Bethel (without stating whether the Jordan was crossed), and at a spot between Bethel and Ai the patriarch is said to have pitched his tent and to have built an altar to the name of Yahweh (Gen. xii. 8). The importance of the spot in early tradition is shown further by Joshua viii. 9, and it is interesting to observe that if Joshua commemorated his victory, the account has been omitted by a later compiler in favour of the story of the erection of another altar—at Ebal. There is some reason to believe that according to one tradition Joshua himself crossed the Jordan at a more northerly ford than that in the present account, and that his first step was the occupation of central Palestine. This theory of the invasion of central Canaan is supported partly by the analogy of the story of Jacob, and partly by the book of Joshua itself, whose account of the erection of an altar on Mount Ebal presupposes a conquest which is nowhere narrated. From Deut. xxvii. 1-8, and Joshua viii. 30-ix. 2, it may be inferred that this altar was erected on the day that the Jordan was crossed, and that this event was the signal for the rising of the Canaanites². If Joshua, like Jacob, crossed at the Jabbok, an easy road leads to Shechem, and the arguments of those who support the theory show that there is some room for this tradition by the side of the more familiar one.

Tradition has its own way of recounting history, and it is a curious coincidence that the spot which, in one tradition, enters into the story of conflicts between Israel and the Canaanites, becomes, in another, the place where Abraham and Lot separate. Further, according to P, the theophany at Bethel and the change of Jacob's

¹ Apropos of the change of name in connexion with the birth of Benjamin, it may be noticed that Abram and Sarai receive their new names in a context associated with the birth of Isaac and the blessing of Ishmael. What old tradition underlies P's story of the introduction of circumcision (Gen. xvii, see especially ver. 18) can scarcely be ascertained. It is at least interesting to recall Robertson Smith's view of the connexion between the names Sarah and Israel (*Kinship and Marriage*², p. 30), and to observe the separation of Ishmael and Isaac at the birth of the latter.

² Many motives have been at work in the literary history of the Exodus and Conquest, and among them must be the removal of the body of Joseph. Despite the scanty references (Gen. l. 25 sq., Exod. xiii. 19, Joshua xxiv. 32) in the present texts, this pious duty must have occupied a prominent part in the traditions of the Joseph tribes, the conquest of whose territory (one would imagine) would be recounted at length.

name occurred after he had left Shechem (Gen. xxxv. 6 a, 9-13, 15), and that this view rests upon old tradition appears to follow from Hos. xii. 4. But how this source explained the name Israel cannot be conjectured; it may have given a story of a striving at Bethel or another explanation of its origin. The account of the birth of Benjamin follows immediately, and to this the compiler has appended a notice of Reuben's offence with Bilhah which is distinctly interesting on account of the points of contact between the tribes of Reuben and Benjamin. Unfortunately, only the merest fragment of the episode has survived, and the compiler for some reason proceeds to enumerate the sons of Jacob (P), and adds an Edomite genealogical table in which is preserved a brief account of the separation of Jacob and Esau, singularly akin to the story of Abraham and Lot (xxxvi. 6-8, cp. xiii. 6). What this really means it is very difficult to say, but Professor Hogg has observed that the birth of the tribe in Gen. xxxv. 18 sq. is connected in some way with the disappearance of Rachel¹, which might suggest that Rachel was the old name of the early population of this district. At all events it is interesting to find a recurrence of the same type of names in Benjamin, Judah, and the south².

It is notoriously hazardous to rely solely upon proper names, or even on national traditions themselves, but the evidence for the population of Benjamin is distinctly puzzling, and the fact that legend makes Rachel of Aramaean origin is probably of less significance than the circumstances attending her death. Tradition is wont to build up its diverse elements into a harmonious whole, and it is hardly possible to determine with confidence where the grafting has taken place. Such points of contact as have been noticed appear

¹ *Encyc. Bibl.*, "Benjamin," § 3.

² Thus the name Oni reminds one also of Onan, a son of Judah (Gen. xxxviii. 4), and of Onam, a name in a Jerahmeelite genealogy (1 Chron. ii. 26), and an Edomite clan (Gen. xxxvi. 23). Ono, too, is Benjamite, near Lod (Lydda). With the Benjamite Iri, cp. Iram, Ira, and Iru (Edomite, Judaeon, and Calebite), and with his father Bela (1 Chron. vii. 7) cp. the first king of Edom. Jobab (*ibid.*, viii. 9) is also Arabian and Edomite. See the *Encyc. Bibl.* on these names, also on Shephupham, Shupham, Shuppim (cp. Shepho, Gen. xxxvi. 23, LXX *σωφαν*); Jeush; Ashbel (cp. perhaps Ashbea, 1 Chron. iv. 21); Naaman (Gen. xlv. 21, cp. Naam of Caleb and Naamah, Joshua xv. 41). Further, compounds of *יה* are practically South Palestinian, and the element Jeru-, Jeri-, seems to be distinctive of the same district (but note Jeriel in 1 Chron. vii. 2). Many of the names in *יה* and the majority of animal names also prevail in the south.

to be more than mere coincidences, and the attempt to understand the traditions of Saul with the help of certain of the traditions of Joshua seem to be justified.

The two great achievements which are ascribed to Saul are (*a*) the deliverance of Jabesh-Gilead, and (*b*) the defeat of the Philistines. The former suggests a northerly position for the hero's home, in the latter Gilgal is the starting-point (cp. also in the story of Joshua, x. 6) Two of the patriarchal figures are found moving down from Shechem to Bethel, and a certain spot which owes its sanctity to one of them marks the division of Israel from the Lot tribes, and the overthrow of the older inhabitants of the land by a new race. So, in the story of the other patriarch, a new tribe is born, and whilst one cycle of tradition perhaps associated its growth with Saul, another makes the defeat of the older stock part of the great national epic of the conquest of Canaan. To one, the Philistines appear the most natural enemy, to another, the Canaanites; but they agree that some alliance was made with the earlier inhabitants, and both leave it possible to hold that the movement had come in the first instance from the north or from the east (*a* and *b* above). It might even be conjectured that Saul, like Jacob, was supposed to have come from Gilead, in which case his relations to Jabesh-Gilead find a faint echo in the covenant between Laban and Jacob¹.

It seems not improbable that we may find in the present life of Saul the same variety of motives that has gone to build up the patriarchal figures. The memory of tribal migrations and feuds, the familiar experiences of daily life, and the personal history of noted ancestors appear to be blended, and the floating elements of tradition have attached themselves now to one and now to another of the ancient names. It would be arbitrary to draw a distinction between the literary and historical criticism of the narratives in Genesis and that of the records in the "Former Prophets," on the ground that the former belong to a pre-historic and the latter to a historic period. There is no reason to suppose that less care was taken in the compilation of the former than in that of the latter, or that the traditions of the great ancestors developed upon lines quite distinct from those of the early judges and kings. Historical criticism, to be consistent, cannot start with any undue presumption in favour of the trustworthiness of narratives relegated to the monarchical period to the detriment of those of the "patriarchal" age or of the book of Chronicles. All have had a complicated history, and it is not difficult to perceive that what has come down to us

¹ Cp. also the story of the bond between Benjamin and Jabesh-Gilead (Judges xxi).

is the result of a long process of selection and rejection. There was a certain amount of material (written and oral) upon which the old historians could draw, and in investigating the use which they have made of it, it is indispensable to remember that their aim was above all a religious one. Their object was to demonstrate the working of the Divine Will, and to adapt the history of the past to the needs of the present—even if it had been their purpose to relate the records of their country simply, they would have suffered from the same limitations as all other ancient historians.

Had the books been written with the sole object of recording the secular history of Israel, it is obvious from the allusions in the book of Kings that there were many noteworthy events which (one might have supposed) would have been eminently suitable for the didactic writers. For example, it would appear from 1 Kings xv. 27, xvi. 15, that at least twice within a quarter of a century there was war with the Philistines in a district in which Judah was vitally interested. It is impossible to say how long it lasted, but it is evident that it must have impressed the districts affected. But the Israelite annals do not state what part Judah played in the events, and the Judæan annals of the contemporary king Asa ignore the war. Even before Omri became king of Israel there was serious internal dissension until the party under Tibni lost their leader. But of this formidable affair tradition seems to have preserved no recollection. It must appear extremely remarkable that such episodes as these which must have lingered in the memory of the people, if they did not actually exist in a written form, have disappeared entirely from the pages of history, whilst, on the other hand, the compilers have handed down stories of internal jealousy and conflict of the days of the Judges and wars with the Philistines of the time of Saul and David.

Hence, in dealing with all historical material which is carried back to such an early period as that now under consideration, it is very important to remind ourselves of what must have transpired in the history of Israel and Judah between the time when certain events were supposed to have taken place, and the time when they were first put into writing. Even subsequent to the latter stage, as the various narratives were gradually reaching their present form, history was not stationary. But, on the one hand, the extent of our historical material from the days of Saul and David onward is comparatively scanty, perhaps one may go so far as to say that it is suspiciously scanty. On the other hand, there are stories relating to the pre-monarchic period which in their present form at least belong to the centuries of the monarchy. In these circumstances, it becomes far

from improbable that narratives dealing with comparatively remote events are coloured by the recollection of those comparatively recent. Thus, there is always the possibility (not to use a stronger word) that even in the older sources relating to the earlier periods, the memory of events still fresh in the mind has coloured the traditions of the past, and it would hardly be safe to assert that the events which have been considered in the course of these notes do not contain some fragments of genuine history subsequent to the days of Saul and David.

STANLEY A. COOK.

(To be continued.)

CRITICAL NOTICES.

PROF. W. BACHER'S "TERMINOLOGIE DER AMORÄER."

Die Bibel- und Traditionsexegetische Terminologie der Amoräer von WILHELM BACHER. (Leipzig, Hinrichs, 1905. Pp. vi + 258, 8vo).

IN 1899 Prof. W. Bacher published, under the title "Die älteste Terminologie der jüdischen Schriftauslegung," a dictionary of the technical formulae employed by the Tannaim in their biblical exegesis. With tireless industry he has now added a dictionary of the terminology read by the Amoraim in their exegesis of the Bible and of the traditional literature. To the two parts the author has given the general title, "Die exegetische Terminologie der jüdischen Traditionsliteratur." Though the suitability of this title may be questioned, it is quite impossible to propose a better, or to suggest any other even as good. But whatever the title, the student has the fullest satisfaction in possessing from the hand of this profound scholar a reference book designed to render appreciably easier one's understanding of the terminology of the two Talmuds and of the Midrashim. This design Prof. Bacher has executed with masterly skill.

Though the exegetical terminology of the Amoraim has the closest chronological and logical connexion with that of the Tannaim, yet the materials for the two are so various that an independent lexicographical treatment was requisite. The exegetical terminology of the Tannaim deals with the Bible only; it arose in Palestine and is limited to that land, and belongs entirely to the new-Hebrew dialect. On the other hand the terminology of the Amoraim includes the interpretation of tradition besides the exegesis of the Bible; it has its home in Babylonia as well as in Palestine, and employs Aramaic in addition to Hebrew terms and formulae. Hence it comes that the terminology of the Amoraim contains about twice as many items as does that of the Tannaim. This second part includes in its new material more than eighty Hebrew articles, nearly eighty Aramaic terms derived from the Babylonian Talmud, about forty Aramaic terms of both Palestinian and Babylonian derivation; the remainder of the Aramaic terms are translations from the Hebrew vocabulary of

the Tannaite literature. The author has increased the utility of his work by printing in smaller type such terms as are peculiar to the Babylonian Talmud.

This specialized dictionary is written throughout with the most scrupulous care. It is not only fuller and more detailed than are the general lexicons of the Talmud and Midrash, it is also more accurate. There are (in both parts of Prof. Bacher's dictionary) numberless corrections of the readings and explanations to be found in other dictionaries. Three useful indexes (prepared by Dr. Erich Bischoff) collect the references to amended readings, to corrections in the extant lexicons, and to passages in Prof. Bacher's works on the Agada. The additions and corrections to both parts (pp. 243 seq.) are valuable. All the characteristics of Prof. Bacher's work are here present: severe scientific method, absolute conscientiousness, lucidity of exposition, mastery of the subject-matter, industry and thoroughness. The work is, in short, a masterpiece of philological accuracy.

A critic of Prof. Bacher's admirable books can gather but few gleanings. Thus I have only a few insignificant remarks to make, and in no point have I anything to urge which might lessen the unqualified praise enunciated above.—P. 1, l. 6 (from below) it seems to me that in place of **אדרבא מנה** it would be better to read **אדרבא מניה**, as the Talmudical formula also runs **קים ליה בדרבא מניה**.—P. 6 there might have been inserted an article **אליבא** (see also the articles **הלכה** and **תרץ**). The variously explained **אלמא** is possibly derived from **אלא מאי**, and is used in cases where a supposition, refuted by an objection, seemingly can no longer hold, but an opposite assumption obtrudes itself. **אלמא**="but what now?"—P. 8, l. 6, instead of **דלית אפשר דלא מפיק** read **דלית אפשר דלית אפשר דהוא מפיק**, cf. also j. Sanhedr. 20 b, 25 **דלית אפשר דהוא מפיק**. To the article **אמר** must be added the formula **פרשתא**, **זאת אומרת**, "this implies" (see article **הרא**). To the article **אתא** belongs also the formula **חמי**, j. Demai, 25 b (top); this, however, is cited sub voce **חמי** on p. 66. To the imperative **תא** belongs **תא חזי**, b. Giṭṭin, 57 a, it is the translation of **וראה**.—P. 21, an article **ביטל לשון אחרון את בטל** should be inserted, e.g. **הראשון**, j. Baba Mezia, 11 d.—P. 22, note 2, belongs to the previous example **מבעיא בעי ליה**. I think, though, that the dative **ליה** in this formula as well as in **מבעיא ליה**, b. Megilla, 15 b and often, is an ethical dative. Thus **מבעיא להו** signifies not exactly "it was asked by them," but "it was asked for them," or "it was to them a question," and **מבעיא ליה** "it would be requisite for him (i.e. for the

Biblical author or the expositor of the text) to know." We must similarly explain the dative with פשיטא, מספקא, אסתפק, פשיטא; cf. b. Sabbath, 4 b מבעיא לרב זירא . . . מילתא דפשיטא להו.—P. 27, on לסהרה see article אטו. Ibid., l. 5 from below, for לסהרה read לסהרה, for otherwise the numerical equivalence of the letters is disturbed.—P. 37 an article י should be inserted (see the dictionaries).—P. 39, l. 2 (see also p. 213), the change of דהוא into והוא is not justified, cf. the proverb שבקיה לרויא דמנפשיה נפיל, which perhaps was not without influence on the genesis of the expression לקרא דהוא שבקיה דהוא רחיק ומוקים אנפשיה. Also, I should not translate דהוא רחיק by "for it presses," but "for it is limited" (cf. דחיקא להו מילתא, b. Taanith, 21 a, where the sense is indubitably passive).—P. 47 we miss an article הורה (this is also lacking in Part I), e. g. הכל מודין, j. Shebuoth, 37 c, כל עמא מודו, j. Baba Mezia, 8 c and often; הורה with dative frequently, e. g. אודוי ליה אודוי לפלוג עליה אפלוגי, b. Shebuoth, 38 b.—P. 50 an article הורה might be added, e. g. הורי ר' לעזר, j. Aboda Zara, 41 b, 10, הוראה, הורייה (see the dictionaries).—P. 53 there should be added the Piel הילך, j. Horayoth, 46 a (see below, pp. 103 and 106).—P. 58, an article השאה is missing. The meaning of this is to be gathered from the only passage in which it occurs (j. Aboda Zara, 41 c below): היה לו להשיאו בחמש השאות שבתורה. It refers to the five passages of the Pentateuch in which it is uncertain whether a word stands in connexion with the preceding or succeeding text. חמשה דברים שאין להם הכרע (see Part I, p. 87). Levy (I. 496 b) punctuates and explains הַשִּׂיָּא from הַשִּׂיָּא, "to bring to another subject." But apart from the fact that the word must on that theory be read הַשִּׂיָּא (הַשִּׂיָּא) or הַשִּׂיָּא, the explanation is very forced. I suggest the reading הַשִּׂיָּא. It would then be derived from the hiphil הַשִּׂיָּא, and could signify "enticement" or "misleading" in the sense that in these five passages of the Pentateuch an enticement to error presents itself.—P. 65, חזור בך, j. Aboda Zara, 42 a might be also cited.—P. 67, cf. קולת והומרת, j. Horayoth, 48 a, top. Ibid., an article חסל should be inserted.—P. 78. The punctuation of כביכול as כְּבִיכּוֹל seems to me impossible; on the other hand כְּבִיכּוֹל is explicable as the participle יכול with כְּ, like בשוגג and במזיד; this again combined with the prefix כ. Thus כביכול is grammatically parallel to כְּבִיכּוֹל.—P. 82. Add article כח, see p. 155, l. 4, and j. Sanhedrin, 25 c בא מכח עשה.—P. 126 an article נעל should be inserted (see article צריך, p. 183, l. 5 from below). Ibid., l. 17, read Horayoth, 48 a 14, and often.—P. 144 an article ספק is to be added, see below, p. 173, ll. 5 seq.; we also have אסתפק, b. Rosh ha-shana, 14 b.—P. 146, to

article עבר might be added מרה דעוברא, j. Aboda Zara, 41 a, 23 in contrast to מרה דשמועתא (see article שמועה).—P. 147 an article עבר (see p. 240, top) might be cited.—P. 156. To the article פלג belongs the form תפלוגתא, j. Sabbath, 37 b, &c.—P. 157, article פנה, the form מפנה (j. Horayoth, 45 d 2) is to be included.—P. 184 the form אצטריך is missing.—P. 185, add the form מצטרף (see article לאו).—P. 197, add the plural form קישואייה (j. Horayoth, 45 d).—P. 217, in article שלם, compare also j. Sanhedrin, 25 c נער חסר נערה שלימה. In articles ממשמע and משמע cf. also j. Sabbath, 37 c הן אתה שומע הן ממשמע.—P. 233, to article תלה belongs the formula הדבר תלוי, j. Aboda Zara, 47 b, "the matter is in the balance."—P. 237 an article תמים should be added, משנה תמימה, j. Sanhedrin, 26 a, in the sense of שלימה, b. Zebahim, 5 a. —P. 241, insert an article תפש, derived from j. Baba bathra, 24 d תופש שם ראשון.

The accuracy of the printing is remarkable. This is of no small moment in a philological work.

N. PORGES.

DR. HOFFMANN'S "MECHILTA."

מכילתא דרבי שמעון בן יוחאי על ספר שמות מלוקטת מתוך
מדרש הגדול. . . . עם הערות ומראה מקומות ופתיחה קצרה מאת דוד
צבי האפפמאנן. *Mechilta de-Rabbi Simon b. Jochai, ein halachischer und
haggadischer Midrasch zu Exodus*, reconstruirt von Dr. D. HOFFMANN.
(Frankfurt, 1905. Pp. xvi + 180. 8vo.)

THE Mechilta of R. Simon b. Yohai was formerly regarded as one of the lost Midrashim from which but few scanty citations were known to have been preserved. In his excellent "Introduction to the Mechilta," Lektor Friedmann collected all the passages bearing upon this Mechilta as far as they were then known, without, however, presenting a clear idea of the original contents of the work (Mech. ed. Wien, 1870, pp. xlix sq.). Light was first thrown upon this subject by Dr. Isr. Lewy, who rediscovered the Mechilta in the old compilation *Midrash ha-Gadol*, and showed in a critical estimate of the work that numerous Baraitot of the Talmud belonged to it¹. Dr. D. Hoffmann, who for some time past has been engaged upon the study of the *Midrash ha-Gadol*, and has already issued several valuable studies concerning it, of distinct importance for the study of the Halachic Midrashim, published this Mechilta during the years 1901-4 in the Hebrew magazine *ha-Peles*. By means of the reprint now lying before us, this long-sought-for work has been finally made accessible to scholars in convenient shape; for this service we owe the learned investigator a debt of thanks.

The MS. of the *Midrash ha-Gadol* (=M.H.), which is among the treasures of the Royal Library in Berlin, has served as basis for the publication; furthermore, two MSS. of the same work in New York were utilized for purposes of comparison. Twelve leaves from the Genizah at Cairo, constituting MSS. of the Mechilta de R. Simon (=Mech. II), were placed at the editor's disposal through the kindness of Prof. S. Schechter. It was still possible to make use of these in the preparation of the present edition. They rendered good service, in many instances, in the correction of the text of the M.H., but what is more than that, they afforded a very welcome norm for controlling it. For this voluminous M. H., part of which has been published²,

¹ Lewy, *Ein Wort über die Mechilta des R. Simon*, Breslau, 1889.

² Vol. I, Cambridge, 1903, ed. Schechter.

simply places the extracts one after the other without further information as to the sources; and, although parallel passages, citations, as well as the whole character of our Mech. II, offer some small help, it still remains difficult to come to a definite conclusion as to how many pieces are to be assigned to the one source and how many to the other—all the more so because the citations of the Midrash are very rarely literal. The whole competence of our editor was requisite to proceed in each case with the necessary tact in the handling of this difficult material, and it is interesting to note how our author was himself often in doubt as to the dependance of the various pieces in M. H. on Mech. II.

The present volume contains: (1) a short introduction (v-xiii); (2) the text of Mech. II (1-166); (3) additions thereto, together with notes by the editor (167-73); (4) a supplement consisting of various pieces which had appeared in *ha-Peles*, and were later eliminated on the strength of the above-mentioned Genizah MS. (178-80); (5) the different readings of the New York MSS. of the M. H. (xiv, xv, and 177); (6) supplementary passages to the text, mostly on the basis of MSS. (xvi. 177, 178); (7) an index of the authors quoted (174-5).

The text of Mech. II relates, on the whole, to the same biblical passages as that of the old well-known Mechilta de R. Ismael (=Mech. I), namely, to Exodus xii. 1-xxiii. 19, xxxi. 12-17, and xxxv. 1-3. Altogether new is the Halachic Midrash to xxxiv. 12-26; likewise the entire Agadic Midrash. Of these Dr. Hoffmann gives (pp. 1-5) two pieces to פ' שמות and ווארא, and (p. 167 sq.) further passages from the M. H. to Exod. iii-x, which seemed to him to belong to Mech. II. These former pieces were also published by Lektor Friedmann in his Appendix (p. 118 sq.); Dr. Hoffmann presents them in a different order and, as I believe, without sufficient reason. It is true that the error is to be found in the work which lies at the basis of Lektor Friedmann's volume, namely, the Wilna ed. of 1844; here both pieces are already assigned to the two Parashiot, which is, of course, a mistake. For the question here is obviously not as to an Agadic interpretation of ווארא, but rather, as the reader easily notices, as to the explanation and interpretation of שלח נא ביד תשלח (Exod. iv. 13). The startling boldness of Moses' reply has to be censured, and it must be shown how he was spared in spite of it. In proof of this Exod. vi. 2 is cited — וידבר אל משה אלהים. Another Agada deduces the clemency shown to Moses from the services rendered by his father Amram. There, where the editor with sure instinct inserts the words, לכך נאמר (p. 3 and Note ק), the וידבר אלהים אל משה ויאמר אליו אני ה' the whole alleged Midrash to ווארא belongs as an interpolation; the

continuation is given with the words **והכמים אומרים**. The notes do not make it quite clear whether the partition of this portion is already to be found in the M.H.; but even if such were the case, we would still be compelled, by reason of the clearness and the orderliness of the structure of the text, to retain the order of the text as it is given in the Wilna ed. of 1844. This view of the matter is furthermore confirmed by the interpretation of chap. vi among the additions (p. 170), which is quite different from our Midrash.

The importance of the new publication consists in the fact that we now possess a Midrash to Exodus from the school of R. Akiba. The fundamental difference between this and Mech. I are made manifest in every line. In aim, method, and technical formulas of interpretation, the difference between the two is distinct and decisive. Mech. II shows all the characteristics of the Midrashim of R. Akiba¹. The authors most frequently quoted are altogether different in each case. The names which characterize the Midrashim of R. Ismael, such as **ר' יאשיהו** and **ר' יונתן** (cf. *Zur Einltg.*, p. 38) are almost altogether absent in Mech. II. Of the five passages in which the index shows the reading **ר' יאשיהו**, three at least must, in accordance with Mech. I, be read **יהושע**; of the two with **ר' יונתן**, one is doubtful, and the other is found in a long passage borrowed word for word from Mech. I. It happens quite frequently in Mech. II that the names of the authors whose interpretations are given, are absent.

The material divergencies between the two works are soon made evident by placing a few small parallel passages in juxtaposition.

Exod. xxi. 2 **כי תקנה עבד עברי**.

Mech. I

(Nesikin I, ed. Friedmann 74 b).

בבן ישראל הכתוב מדבר או אינו
אלא בעבדו של עברי ומה אני מקיים
והתנחלתם אותו וגו' בלוקח מן הגוי
אבל בנלקח מ'ישר' שומע אני שיהא
עובד שש ויצא בשביעית ת"ל כי ימכר
לך

Mech. II

(pp. 118, 119).

ר' ישמעאל אומ' בעבד עברי הכתוב
מדבר את אומר בעבד עברי או אינו
אלא בעבד כנעני ומה אני מקיים
והתנחלתם אותם . . . בלוקח עבד מן
הגוי אבל בלוקח עבד מישראל יכול
יצא בשש ת"ל כי תקנה . . . ולהלן
הוא אומר כי ימכר לך הוא
שנאמר בן

It is thus evident that what appears anonymous in Mech. I, because

¹ Cf. Hoffmann, *Zur Einleitung in die halach. Midraschim*, p. 50.

obviously proceeding from the redaction, is quoted in Mech. II, where it just as obviously constitutes a *foreign* element, under the name of R. Ismael. We find exactly the opposite relation in the following passage:—

Exod. xxii. 4 מיטב שדהו ומיטב כרמו (cf. *Gittin*, 49a).

Mech. I

(Nesikin XIV, ed. Friedmann 90b).

מיטב שדהו של ניוק ומיטב כרמו
של ניוק דברי ר' ישמעאל ר"ע אומר
לא בא הכתוב ללמדך אלא ששמן
ניוקן בעדית ק"ו להקדש

Mech. II

(p. 140).

מלמד שאין שמין לו אלא מן העדית
יכול אם הזיקה בזיבורית יהו שמין
לו מן העדית ת"ל שדה מניין
לכל המשלם קנס שאין שמין לו אלא
מן העדית ת"ל מיטב שדהו ומיטב
כרמו זה בנין אב לכל המשלם קנס
שאין שמין לו אלא מן העדית

Here Mech. II gives anonymously as the opinion of the school what Mech. I gives as the opinion of R. Akiba pronounced in opposition to the doctrine of R. Ismael which is cited *there* as the opinion of the school. It is interesting to note that RITBA quotes our work as the Mech. of R. Akiba (cf. p. 55, Note ע). Among the differences between the two there must be mentioned the striking frequency of literal citations from the Mishna which are to be found in Mech. II; this point deserves particular attention.

Quite as important as the comparison of the variations between the two works would also be a comparison of the passages common to both Mech., and the different methods of composition and presentation in vogue in both schools; I mean, above all things, the different manner of style, of elimination, of addition, and of alteration of authors' names. It would have been highly welcome if the notes had more frequently entered upon a discussion of these points. Particularly numerous are the consonant passages in the Agadic portions (p. 37 sq.). Dr. Hoffmann explains this by the thesis that the Agadot were written down very early and were hence very easily transferable (p. xi). Other arguments, however, can be adduced in support of this consonance. First of all, radical school-differences with regard to the Agadah could hardly have existed. Furthermore, the school of R. Akiba was weak in the Agadah—עקיבא מה לך אצל הגדה (*Sanh.*, 67 b). Finally, style and composition show enough variations in details even here. The difference in the

manner of composition is manifest at every turn¹, and, above all things, the variation in the naming of the authors is striking.

The question as to how much simple exegesis is common to both works also deserves attention. The simple interpretation of the Scriptures by the Tannaim has, up to the present, not been sufficiently dealt with; for such a study, the fact that such an agreement exists between the two different original sources, is of the greatest significance.

But if the dependance of Mech. II on the school of R. Akiba is beyond question, its relation to the Sifre debe Rab is uncertain. The matter of fact stands as follows: Mech. II, both as to contents and style, exhibits all the peculiarities of Sifre debe Rab; the latest Geonim quote passages from it as borrowed from Sifre debe Rab. In opposition to this, however, it is certain that those Baraitot which are identical with Mech. II, are cited in the Palestinian and Babylonian Talmuds not as **תנא דבי חזקיה** or simply as Baraita, but as **תנא דבי חזקיה** or **תני חזקי'** and under similar formulas; yet, certain passages from Sifre debe Rab are absent from Mech. II. Dr. Hoffmann, therefore, decides against regarding Mech. II as belonging to Sifre debe Rab, and affirms (in opposition to Dr. Lewy and to his own previous opinion) its identity with the Midrash of Hizkiah. It seems to me, however, that his arguments in favour of his new viewpoint are not very strong; particularly is his *argumentum e silentio*, in the case of a work known only through extracts, not of great significance. In the meanwhile this question must still remain open for discussion.

The notes of the editor are very brief and concise; they content themselves with referring the reader to parallel passages, and occasionally contain nothing more than short, pregnant hints. As I said before, more frequent discussion in the notes of the method of interpretation followed in our work would have been highly welcome.

In conclusion, a few more details may be mentioned. To Exod. xii. 3, Mech. II quotes **ערת בני ישראל**. The same reading occurs in the old versions, in the Midrashim and in certain MSS., and because of its almost universal use in the Pentateuch, deserves preference to the reading of the Massora (opposite to p. 8, Note פ). To Exod. xii. 16 (p. 16), reference should have been made to Mishna Yom Tob, V, 2, and to the only correct explanation, that **שבות דרשות** and **שבות דמצוה** must be distinguished one from the other (Lewy, *Ueber einige Fragmente aus der Mischna des Abba Saul*, p. 7, *Ein*

¹ It may be sufficient to adduce one example. The formula in the case of anthropomorphisms [מה שהיא יכולה לשמוע] **הדי אנו מכנין אותו לשכך את האוזן** (ed. Friedmann 65 a) runs in Mech. II: **משמיעין את האוזן מה שיכולה לשמוע**; cf. Lewy, *Ein Wort*, &c., p. 26.

Wort, &c., p. 6). The reference to Nachmanides to Lev. xxiii. 24, *נחת שם ותמצא נחת* (Note 'ס) signifies but little. Of interest is also the explanation with which Mech. II contents itself—*אך הפסיק הענין*, to which it enumerates some analagous cases; Mech. I (p. 10 a) proceeds quite differently.—To p. 40 and Note נ, the reader should be referred to Sifre Deut., § 308, and Hoffmann, *לקוטי בתר לקוטי* p. 4.—To p. 51: the expression *כי היכי דכתיבא לעילא* occurs again to xx. 10 (p. 108), but seems here to relate to another passage in the *Midrash ha-Gadol*; to xx. 10 it refers to Mech. II, p. 16.—To p. 70: the number *שמונה עשרה ברכות בתפלה* may have been an intentional expression, and not merely the current phrase; *ב' המינים* was thus the eighteenth and not the nineteenth in the Tefilla. That which immediately follows, *י"ה פסוקי רנחמה*, may serve as proof of this. The last verse with *כי בא* is, however, beyond doubt a later addition.—P. 84, Note 'ו: the passage must be altered according to Mech. I, p. 56 a.—Pp. 89 and 94: the variations from Mech. I, which are not without importance, are not mentioned; cf. Friedmann, p. 59 b.—To p. 102, ש: cf. Targum Jonathan und Jeruśalmi.—P. 117: very curious is the enumeration in this Tanna debe Rab of R. Ismael's thirteen rules of interpretation; whether they can be explained by the analogy *מדה = דין = משפט*, as Hoffmann proposes ("Festschrift zum siebenzigsten Geburtstag A. Berliners"), is doubtful.—P. 118, line 7, from the bottom: *עבר עברי* must be read twice.—P. 125: of interest is the fact that Mech. II gives the story concerning Julian and Pappos in complete agreement with Sifra. Taanith, 18 b, to which Note ד refers, has the following in addition: *ואע"פ כן הרגן מיר*; cf. Joel, *Blicke*, I, p. 16 sq.; Graetz, IV, Note 14. This most probably read in accordance with Sifra, 99 d, *לא וזו משם*.—To p. 130, verse 23, cf. Lewy, p. 23, No. 5, where after *נפש תחת נפש ובהמה ולא נפש ועין* is added *נפש תחת נפש ובהמה תחת נפש ולא נפש ועין תחת נפש ועין* *נפש*.

I. ELBOGEN.

RECTOR SCHWARZ ON THE MISHNEH TORAH OF MAIMONIDES.

Der Mischneh-Thorah. Ein System der mosaisch-talmudischen Gesetzeslehre, von Prof. Dr. A. SCHWARZ, Rektor der israelitisch-theologischen Lehranstalt in Wien.

THIS treatise by the Rector of the Jewish Theological Academy at Vienna forms the main contents of a twelfth annual report of the institution, the necessary business details as to domestic history being relegated to a brief appendix. These latter particulars are of considerable interest. It appears that the difficulties in conducting a Rabbinical seminary in Austria are similar to those met with nearer home; the students, at the time of admission, are insufficiently prepared and they find it difficult to reconcile the claims of secular, with those of specifically Jewish subjects. As a result, the Rector has occasion to deplore the fact that no Rabbinical diplomas have been granted to students of the college during the past year. The course of instruction is, however, of the most comprehensive character and it must be very thorough, if we are to judge its quality by the volume, now under review, which forms a fitting tribute to the memory of Maimonides, upon the seven-hundredth anniversary of his death.

It seems to me that one of the most interesting questions connected with the *Mishneh Torah* is this: What was the purpose of Maimonides in writing it? Did he aim at making the study of the Talmud more systematic or at bringing about its neglect? In the opinion of Professor Schwarz, the former view is the correct one. He quotes the passage where the ripe student is enjoined to devote the bulk of his time to "Gemara," i.e. to the reasoned study of tradition (*Hilch. Talmud Torah*, I, 11-12). Luzzatto has, however, pointed out long ago the weakness of the argument derived from this passage. Maimonides is here only a codifier and besides he includes in "Gemara" his favourite metaphysics¹. In his preface to the *Mishneh Torah*, he distinctly states that his work will, for the ordinary person, supersede all previous books, including the Talmud itself, so that people will be able to proceed to its study, immediately after having read the Pentateuch. It is true that in an apologetic letter to the

¹ See *Cerem Chemed*, III, p. 66 et seq.

Dayan of Alexandria (*Resp.* 140), Maimonides stated that his Code was only intended for beginners, that he did not desire to diminish the study of the Talmud or of Isaac Alfasi and that he had indeed read both these works with pupils. This remark was doubtless quite sincere, but I do not think that it represents the view, ultimately taken by Maimonides, as to the scope and purpose of his Code. His final feeling in the matter is best expressed in a letter written to his favourite pupil, Ibn Akin. He there states that he originally wrote the Code for his own use, to avoid constant searches in the Talmud for necessary conclusions. "It has now spread throughout the Jewish world and is valued by all except the envious. A time will come when all Israel will desire this work only and none will read other books, except such as are willing to waste time without purpose." Further, when Ibn Akin has established his own *Beth-hamidrash*, he is directed to devote himself exclusively to the works of Alfasi and Maimonides. He is not to waste his time with the details of Talmudic discussion: **ולא תכלה ותאבד זמנך בפרוש ובמשא**. "These things," repeats Maimonides, "which I have let alone are waste of time and of small use." At the same time, whatever may have been the intention of Maimonides, Professor Schwarz is amply justified in claiming that the *Mishneh Torah* has been of immense assistance in making the study of the Talmud more comprehensive and in a sense more critical. Like many other great men, Maimonides built better than he knew.

Professor Schwarz devotes much attention to a study of the method in which Maimonides has arranged his material, in order to present Jewish law as an ordered whole. He shows that Maimonides, in dividing his subject into fourteen books, and in subdividing these books into eighty-three treatises, strove to display the individual precepts of the Law, as related to a central conception of Judaism. True religion depends upon knowledge of God, which is accordingly the theme of the first book of the Code. To know God aright is to love Him and the object of worship and of the ceremonial connected with worship is to stir up this love in the heart of man: the second book of the Code concerns itself therefore with the details of Jewish ritual. The remaining twelve books of the Code are similarly dealt with by Professor Schwarz and he shows how artistically Maimonides has arranged the different divisions of his subject, so as to form an organized whole. Of course, it is a more difficult task to work out the same idea, so as to justify the relative positions of the separate treatises, into which the books are subdivided. Considering that Maimonides had to deal with a theme, no less comprehensive than the conduct of life and thought by the individual Jew, together with

the whole system of Jewish polity, it is not wonderful that parts of his subject eluded classification. Professor Schwarz has to admit that it was not a very logical arrangement to include the laws of mourning in the "Book of Judges": Maimonides himself can only justify this classification by the sophistical argument that a person, executed by a Court of Justice, must be buried upon the same day and be honoured by no mourning ceremonials. Similarly one cannot help thinking that the reception of proselytes should not have been dealt with by Maimonides in his treatise on unlawful marriages, with which it is only accidentally connected. On the whole, however, Professor Schwarz is successful in showing how logically Maimonides has arranged his material. The analysis of the twelfth book of the Code is particularly happy: we are made to understand that the heading קנין refers appropriately to the laws, both of purchase and ownership. The method of investigation adopted by Professor Schwarz is not one, to which many books could be subjected: the Rabbis saw a danger incurred by דורשי סמוכים even in the Pentateuch itself. Maimonides, however, certainly devoted much attention to the arrangement of his books and himself attempted to discover upon what principles the different parts of the Mishna follow one another. His own work well repays study from this point of view; indeed, Professor Schwarz might perhaps have carried his investigation a little further and have compared the arrangement of the 613 Mosaic precepts in the Code, with that adopted by Maimonides in his *Sefer Hammitzvoth*.

Professor Schwarz passes on to deal with the *Mishneh Torah* at closer quarters and shows a fine appreciation of the clear and lively style in which Maimonides writes, justly observing that the work marks an epoch in the development of post-biblical Hebrew, besides being a "Volksbuch" in the best sense. One would expect a Code to furnish but dull reading, yet Maimonides makes the driest subject attractive. "He cares also for variety; sometimes he addresses us personally, sometimes he interposes a question, sometimes he illustrates by an analogy, sometimes he refers to the degeneracy of his age. Presently he relates to us some personal experience; at the right moment, his poetical or homiletic powers are displayed. At other times, he thunders against the Karaites, or glorifies Torah and science. He never leaves us without a good word and always ends a theme by raising us to a higher mood." In codifying the Talmud, Maimonides often throws light upon its meaning, particularly when he has to translate some saying of the Rabbis, from Aramaic to Hebrew. In such cases and also in others, where he has to select the passages to be cited, Maimonides becomes, in effect, a commentator

of the Talmud. This fact is demonstrated by Professor Schwarz, by means of many happy illustrations; he shows how Maimonides sometimes gives an added meaning to the Talmud, by the change of a single word. Our author then proceeds to show us how Maimonides condenses his material, blending together the statements of the Mishna and the comments of the Gemara into a compact whole. A number of examples are added, in which Maimonides explains the force of the laws he propounds, by means of concrete examples, taken from the Talmud. In yet another chapter, it is pointed out that Maimonides often quotes a maxim of law or morals, without mention of the Biblical verse, given as its basis in the Talmud, and that he, even, on occasion, refers such a maxim to a passage from Scripture, other than that employed by the earlier Rabbis. This characteristic of the Code of Maimonides has often been pointed out before¹ and it is perhaps emphasized by Professor Schwarz at excessive length. On the other hand, only meagre treatment is given by our author to the general principles, which are characteristic of the Code. His own original contributions, under this heading, are but of secondary importance and he mainly confines himself to a rather futile criticism of previous writers, who have attempted to classify the כללי הרמב"ם. In effect, he somewhat misunderstands their purpose, in propounding these principles. They are concerned not only with an analysis of the methods, adopted by Maimonides, but also with the question, how his Code is to be applied to the determination and enforcement of Jewish law, in actual practice. They are therefore justified in emphasizing such a proposition, as that proper religious decisions can only be arrived at in disputed cases, when we compare the words of Maimonides with those of the ancient authorities, upon which he relies. Similarly, it is quite reasonable from this point of view, to discuss the relative importance to be attached to the opinions of Maimonides and of the Tosaphists.

Finally, Professor Schwarz discusses, at great length, the relationship of the *Mishneh Torah* to the exegesis of the Halachah. This is by far the most original and valuable portion of the book. Maimonides carefully distinguishes the Halachah derived מפי השמועה from that derived מפי הקבלה. Professor Schwarz shows that the former heading refers to laws, based upon the traditional interpretation of the Pentateuch. Those traditions, which the Rabbis do not seriously base upon the language of the written Law, are described by Maimonides as מפי הקבלה. By collecting together the

¹ The literature on this subject is summarized in the *Yad Malachi* under the heading כללי הרמב"ם, sect. 4.

passages, 179 in number, where one or other of these phrases occurs in the Code, Professor Schwarz is able to throw much light upon the view, taken by Maimonides, as to the genesis and development of the traditional Law. Let us take one illustrative passage, where both these expressions are used together by Maimonides,—a passage containing also a valuable contribution to Biblical exegesis. The sin-offering, that varies according to a man's means, has to be brought, *inter alia*, to atone for the offence of entering unwittingly the sanctuary or eating the flesh of sacrifices, in a state of uncleanness. The liability to bring an offering, in these circumstances, is proved by the Rabbis from Scripture, by means of the kind of inference known as **בנין אב**. Maimonides, according to his wont, calls this a proof **מפי השמועה** (*Shegagoth*, X, 5). He proceeds to say that although this thing depends upon tradition (**מפי הקבלה**),—for the proof given by the Rabbis is of a non-natural kind,—it is really implied by the plain meaning of Scripture. As Professor Schwarz well remarks, Lev. v. 2-3, can only be rightly interpreted, as referring to the class of offender here indicated, for the Mosaic Law never regards a ritual uncleanness as sinful, unless the person so defiled comes into contact with sacred things. We have here a remarkable example of a Rabbinical interpretation seemingly far-fetched, but yet perfectly accurate¹.

Professor Schwarz does not sufficiently emphasize (except by a cursory reference on p. 163) the fact that Maimonides uses the term **מפי הקבלה** in another sense, besides that already mentioned, applying it to traditions derived from the Prophets and Hagiographa (**דברי קבלה**) or originating from Biblical authorities subsequent to Moses. Thus amongst the laws so derived, Maimonides mentions the secondary kinds of forbidden marriages, as formulated by Solomon, the rule based on 2 Sam. xii. 8, that a king must not have more than eighteen wives, and the regulations, inferred from the history of Absalom, respecting a life-long Nazirite².

It is to be regretted that Professor Schwarz has omitted to throw light upon the way in which Maimonides uses the phrase **מדברי סופרים**. As is well known, this is employed in two senses both in the Code and also in the *Sefer Hammitzvoth*. Not only is it applied to Rabbinic ordinances but also, in general, to Halachoth, based upon the thirteen exegetical principles of R. Ishmael, and to so-called

¹ In translating Lev. v. 2-3, the word **ואשם** must be rendered "in such a way as to incur guilt," and not as E. V. "then he shall be guilty."

² The passages, in the *Mishneh Torah*, here referred to are Ishuth i. 6, Melachim iii. 2, Neziruth iii. 12.

Sinaitic Halachoth. Maimonides declares that such Halachoth are only to be classed as Mosaic, when the Talmud contains an express statement to that effect. Thus the rule that a valid marriage can be solemnized by means of a money payment is called by Maimonides a "law of the scribes," although it is based upon a גזרה שוה (Ishuth i. 2). On the other hand, he includes amongst the 613 precepts of the Law some rules, which do not appear to be covered by his own principles, such as the regulation, based upon a traditional perversion of Deut. xxiv. 16, that the evidence of near relations is invalid. Of course, this part of the subject has been discussed at great length alike by those who criticise and by those who defend the view of Maimonides¹, but none of them explain his standpoint quite satisfactorily. It is at least clear that Maimonides limits the range of the written Law and distinguishes it from tradition far more sharply than other Talmudists have done.

After reading the treatise of Professor Schwarz, one appreciates more clearly than ever the paradox, presented by the Code of Maimonides. On the one hand, it is eminently suited to the beginner in Rabbinic, being so clear and lucid that he who runs may read. When, however, we attempt to trace the author's dicta to their source and to study the methods, in accordance with which the whole work was compiled, we are confronted by no ordinary difficulties. Many of these difficulties have been successfully dealt with by Professor Schwarz, and although he has not said the last word upon the subject, he has added materially to our knowledge of Maimonides, in the capacity of Talmudist and Codifier of Jewish Law.

H. S. LEWIS.

¹ The issue is presented, with extraordinary learning and ability, in the *Yad Malachi*, כללי הרמב"ם, sect. 7.

SAMUEL AL-MAGRIBI'S KARAITE LAWS.

المقالة السادسة من الكتاب المسمى بالمرشد في جملة من الاحكام الشرعيّة
 التي تجرى في ما بين الناس بعضهم مع بعض. *Die Civil-Gesetze
 der Karäer von Samuel al-Magrebi, nach einer Berltner Handschrift
 herausgegeben. Inaugural-Dissertation . . . von SAUL GITELSOHN.*
 Berlin, 1904, in 8vo. 27 + (1) pp. + 43 pp. (Text).

ONCE again we have before us a portion of Samuel al-Magribi's *al-Murschid* (on the two parts already published see my notices in this REVIEW, XVI, 405; XVII, 594), and once again only part of a section, namely, the first twenty-one chapters of section VI. The entire section contains fifty-one chapters, and treats, as its superscription states, of all those religious laws that concern human intercourse. But this section differs from those hitherto known in this respect, that the subject-matter is not limited to an isolated theme, but the author here bases himself on the section *Mishpâtîm* and explains the laws contained in it in order¹. Still, his results have not the appearance of a commentary but that of a code-book, so that in dealing with single precepts of this section he includes within the sphere of his inquiry the other pertinent passages in the Pentateuch. For example, in dealing with the laws about slaves, Exod. xxi. 2 seqq., he also mentions Lev. xxv. 39 seqq., which is particularly emphasized (p. 7, l. 4: . . . ואעלם אן אלסבב פי זכרנא דלך האהנא הו : אנה לם נגר מוצע אליק מן הוה אלפעל נציף דלך אליה פלדלך זכרנא (מא ילום פי כל ואחר מן אלעביד Exod. xxi. 12-14, we also have Num. xxxv (pp. 14-15); beside the explanation of the law, Exod. xxi. 22, also that of Deut. xxv. 11 (p. 29); beside the discussion of Exod. xxi. 33 also that of Deut. xxii. 8 (p. 39, l. 5 from below: . . . ויתעלק בפקה הוה אלפעל קו' תע' : כי תבנה בית הרש וגו' the common factor in both laws is the prevention of damage arising from lack of precaution).—In this part also Samuel is conscious of his function as a compiler, for in adducing various calculations in assessing the price of the oxen, in connexion with the law of Exod. xxi. 35 b, he emphasizes

¹ As this section contains penal as well as civil laws, the editor has unjustly entitled his publication *Die Civil-Gesetze der Karäer*. Cf., e.g., cap. 3-6 on the laws contained in Exod. xxi. 12-17.

the synoptical lucidity of his presentment in contrast to previous authors (p. 42, l. 7: והוא אלביאן והוא אלתרתיב לא תכאר תגרה : לאחר מן אלעלמא עלי הוא אלוצוח ואן וגרת להם שי פי דלך תגרה אלך).—He often takes note of the opinion of the Talmudists, without mentioning them by name (see the references of the editor), only several times he calls them אלמכאלפין “heretics,” and occasionally employs sharp expressions, which is not his custom elsewhere (see especially p. 17, l. 7; p. 38, l. 6).—Of other peculiarities of the portion now edited, there must also be mentioned: some remarks of a linguistic import (p. 20, l. 14, ונגשו אל המשפט in Deut. xxv. 1 instead of אל מקום המשפט, just like the expression in Arabic, אתקדם אלי אלחכם; p. 32, l. 14; p. 34, l. 9, נגח has a frequentative significance, just like גנב in contrast to גונב; p. 39, l. 7, the difference between בור and באר; p. 40, l. 10, מעקה is derived from עיק “to narrow,” cf. Amos ii. [not xi.] 13) as well as a neo-Hebraic formation (נציון “strife,” from ינצו, p. 26, l. 19, and p. 29, l. 20)¹.

The present text has been edited by Herr Gitelsohn fairly correctly only according to the Berlin MS., but it contained many printer's errors, especially in regard to the diacritical points². In the notes the editor confines himself to what is absolutely necessary, and is at pains to secure a brevity that is praiseworthy. Still he ought to have gone somewhat more closely into the sources, especially where views not generally admitted are adduced. Thus, the view that Exod. xxi. 2 seqq. treats of a proselyte, as well as the classification of four kinds of slaves (p. 3, l. 3 from below), originated in Jefet b. Ali and is also found in the case of the Samaritan Ibrâhîm b. Ja'kûb (see *J. Q. R.*, XVI, 404; Aron b. Josef, who, in the *Mibhar*, quotes this view of Jefet, follows the Talmud, namely, that the question here is מכרוהו ב"ד). The division of the murderers into three classes (p. 14, l. 4 seqq.) is found in Aaron b. Elia (*Gan Eden*, fol. 176 d). The strange assertion that by מזבח in Exod. xxi. 4 are to be understood the altars at the gates of justice (p. 15, l. 6 from below: . . . ויריד בולך אלמזבח : אלדי פי אלשערים אלדי יגלסו ענדה אלחכאם בק' ועל בגדים חבליב

¹ In the Talmud ניצוי occurs as a substantive, e. g., *Megilla*, 24 b אבוי ניצוי וניצוי רבו.

² e. g., p. 4, l. 3 from below וענרה, read קביחה; p. 9, l. 5 קביחה, read קביחה; p. 11, l. 2 לממלך, read לממלך; p. 16, l. 12 קר, read קר; ib., l. 8 from below ואלרי, read ואלרי; p. 17, l. 7 בטאל, read בטאל; p. 19, l. 16 מסאמה, read מסאמה; p. 20, l. 9 מזכר, read מזכר; p. 27, l. 14 וליס, read וליס; p. 34, l. 7 from below כאלכלאם, read כאלכלאם; ib., l. ult. תורה, read תורה; p. 35, l. 11 רו, read רו, &c.

(יטו אצל כל מזבח ולמחל הוא אלמדבה הרב יואב אלך), an assertion likewise found in Ibrâhim (cf. *J. Q. R.*, l. c.), was probably borrowed by Samuel from Hadassi (*Eshkol*, Alfab., 271, ב seqq., where the proof is also from Amos ii. 8). In the discussion on ולא יהיה אסון (cap. 9) reference should be made to the distinction between the Rabbinical and the Karaite conception (see *Kaufmann-Gedenkbuch*, p. 177), and on עין תחת עין (cap. 10), cf. *Monatsschrift*, XLI, 205.—On the notes may also be made the following remark: טאהר (p. 3, n. k, where the impossible spelling “ha-Dassy” is given) simply denotes “outer meaning” and forms the antithesis to באטן “inner meaning.”—The opinion that in ואל תהיה אל אחותה (Lev. xviii. 10) bigamy is forbidden (p. 11, n. q) is not shared by *all* Karaites: see the various interpretations of this precept in my article on ‘Anân, *R. É. J.*, XLV, 185 seqq.

Herr Gitelsohn has also omitted to give a translation, in place whereof he provides a rather long introduction, which could, however, have been reduced to a minimum or even omitted for the most part. Apart from some useful observations on the Arabic vocalization and on the vulgarisms of the author (p. 17 seqq.), this introduction contains only views that have either long been known or that are erroneous. Strange as it is that even now Schahrastâni should be given as the source of our knowledge of Jewish sects (p. 5, n. 2), instead of reference being made to Kırkısânî and Alberûni, it is just as remarkable to assert that Samuel al-Magribi interrupts the decline of the Arabic-Karaite literature which set in with Jeshûa b. Jehûda, and that he can be regarded as the last classical writer of this literature (p. 14), when, as a matter of fact, Samuel is only an ordinary compiler, and when, in this respect, even Jefet b. Şagîr, who lived in the thirteenth century, must be placed higher. This shows that Herr Gitelsohn has no proper idea of the development of the Karaite literature, and yet with enviable *naïveté* he passes general judgment upon it, thus, for example, that it is lacking in strict logic (p. 13). Just as naïve are the long-winded discussions about מעלם (pp. 8-10), which is also often written plene מעלים and which is simply = מַעֲלִים, i. e. teacher (Heb. מלמד; cf. also *J. Q. R.*, l. c., p. 408¹). Samuel's full name (see p. 8) was b. Mose b. Jeshûa (not Joshua) b. Mordechai b. Amram b. Salomo b. Amram (see my *Zur jüd.-arab. Litter.*, p. 77, also about a hitherto unknown Arabic work of Samuel, containing an account of Mount

¹ In the passage from Firkowitsch cited p. 10, l. 3, we should probably simply read: רבנו שמואל המערבי . . . הנקרא מעלים שמואל כתב בספר המצות שלו, unless Firkowitsch himself, who knew no Arabic, made a mistake.

Moriah and the Temple; on the other hand, the "Kitâb al-Ibbûr," invented by Herr Gitelson, on p. 12, on the basis of a misunderstood quotation from Pinsker, is simply the Hebrew translation of Division III of the *Murschid*, which has been edited by F. Kauffmann), and the title המתרפא (corresponding to the Arabic المتطيب), which he bore, is found not only among Karaites (p. 14, n. 2), but also among Arabic authors (see *Zur jüd.-arab. Litter.*, l. c.).

SAMUEL POZNAŃSKI.

NOTES TO *J. Q. R.*

I.

SCHĀM (שׂאם) ALS NAME PALÄSTINA'S.

IN seinen überaus dankenswerthen reichen Mittheilungen aus den Kairoer Geniza-Fragmenten¹ stellt E. J. Worman auch die Erwähnungen der beiden alten Synagogen von Fostat zusammen, die mit ihren arabischen Namen als *כְּנִיסָה אֶלְשֶׁאֲמִיין* (oder *כְּנִיסָה אֶלְיָהוּד*) und *כְּנִיסָה אֶלְעֶרְאֲקִיין* (אלשׂאמיין) und arabischen Namen finden sich in den Documenten der Geniza auch die hebräischen Namen *כְּנִיסַת הַבְּבַלִּיִּים* und *כְּנִיסַת הִירוּשָׁלַיִם*. Der Verfasser vermuthet zwar, dass diese hebräischen Namen die Aequivalente jener arabischen Bezeichnungen seien, aber ganz sicher erscheint ihm das nicht; und was die erstere der beiden Synagogen betrifft, stellt er die Hypothese auf, dass sie zuerst die "Synagoge der Jerusalemier" hiess und später unter dem Einflusse von neu angekommenen Gemeindemitgliedern aus Damascus die "Synagoge der Syrier" (oder Damascener, denn *שׂאם* bezeichnet auch Damascus) genannt wurde. Aber diese Hypothese ist ganz überflüssig, und jener Zweifel an der Identität der mit den hebräischen und den arabischen Namen bezeichneten Synagogen ist unberechtigt. Denn *שׂאם* bedeutet nichts anderes als *אֶרֶץ יִשְׂרָאֵל* (Palästina), und *עֶרְאֲק* nichts anderes als *בָּבֶל*. Saadja in seinem Jezirah-Commentar (IV, 3, ed. Lambert, p. 76, Z. 2) bezeichnet die palästinensischen Juden als *אֶהֱל אֶלְשֶׁאֲמִין*, die babylonischen Juden als *אֶהֱל אֶלְעֶרְאֲק*. Speciell die Anwendung von *שׂאם* als Bezeichnung Palästina's, aber auch Jerusalem's ist in der arabisch-jüdischen Litteratur vielfach nachzuweisen. Jepheth b. Ali übersetzt *הַצְּבִי*, Daniel viii. 9, mit *אֶלְשֶׁאֲמִין* (s. seinen Commentar zu Daniel, ed. Bargès, p. 82, Z. 7) und setzt im Commentar dafür: *אֶרֶץ יִשְׂרָאֵל*. Abulwalid übersetzt *כְּנַעַן*, Ezechiel xvi. 29, mit *שׂאם* (*Kitāb-ul-uṣūl*, Col. 47, Z. 30); ebenso heisst es im *Kitāb al Tārīḥ* (ed. Neubauer, *Mediaeval Jewish Chronicles*, II, 92)²:

¹ *J. Q. R.*, XVIII, 1 ff.

² Über das Verhältniss dieser Chronik zu Saadja s. *Revue des Études Juives*, XLIX, 298.

מִצְחָף שְׂאֵמִי, d. h. der in Gen. x. 6 genannte Kanaan bevölkerte Palästina. Dem Worte אֶלְשֵׁאֵם in Abulwalid's *Kitab-al-Luma'*, p. 269, Z. 11, entspricht in Jehuda Ibn Tibbon's hebr. Übersetzung (*Rikmah*, p. 162, Z. 9): יְרוּשָׁלַם. Einen von Abulwalid benützten palästinensischen Bibelcodex bezeichnet er als מִצְחָף שְׂאֵמִי (*Luma'*, p. 238, Z. 10); Ibn Tibbon setzt dafür: יְרוּשְׁלִמִית (*Rikmah*, p. 142, Z. 16)¹. In den arabischen Schlachtregeln (von Samuel Ibn Ġama') heisst der jerusalemische (palästinensische) Talmud: אֶלְתִּלְמוֹר אֶלְשֵׁאֵמִי (s. Geiger's *Jüdische Zeitschrift*, I, 239, Anm. 4). Maimuni hat in seinem Mischna-Commentar überall שְׂאֵם, wo in den hebräischen Übersetzungen אֶרֶץ יִשְׂרָאֵל steht. — Auch zur Erklärung eines dunkeln-talmudischen Ausdrucks wurde diese specielle Bedeutung von שְׂאֵם angewendet. Im *Aruch* nämlich heisst es in dem Artikel שְׂמֵאִי (ed. Kohut, VIII, 97), der nur der Erklärung des Ausdrucks שִׁמְאִי פִתְחֵי (Menachoth 33 b) gewidmet ist: אֲוִמְרִים: בִּלְ עֶרְבִי בְּלֹר אֶלְשֵׁאֵם וְהִיא אֶרֶץ יִשְׂרָאֵל. Diese Erklärung von שִׁמְאִי mit "palästinensisch" findet sich auch im Talmudcommentare R. Chananel's z. St.; aber er leitet das Wort nicht vom arabischen שְׂאֵם, sondern vom biblischen Eigennamen שֵׁם ab; פִּי שִׁמְאִי שֶׁל אֶרֶץ; שֵׁם אֶרֶץ (also soviel wie 'semitisch'). — Es ist also über jeden Zweifel erhaben, dass כְּנִיסַת הִירוּשָׁלַיִם nur die hebräische Übersetzung von כְּנִיסַת אֶלְשֵׁאֵמִין ist, dabei bedeutet "jerusalemisch" soviel wie palästinensisch, ganz wie in der Bezeichnung des palästinensischen Targum und des palästinensischen Talmud als "jerusalemisch". Bei *Sanbari* (ed. Neubauer, *M. J. Chr.*, I, 118) heisst es ausdrücklich: וְאֵלֶּה שְׁנֵי בְתֵי כְנִסְיוֹת שְׁזָכְרָנוּ אֶחָד לְאִנְשֵׁי אֶרֶץ: יִשְׂרָאֵל כְּנִסַת אֶלְשֵׁאֵמִין וְאֶחָד כְּנִסַת אִנְשֵׁי בְּבֵל כְּנִסַת אֶלְעֶרְאִקִין. In Worman's Abhandlung — damit schliesse ich diese Notiz — müsste es statt "Synagogue of the Syrians" immer heissen: "Synagogue of the Palestinians."

Bei dem auf Seite 14 erwähnten Namen von Schulhäuptern und Exilarchen wäre auf meine Abhandlung in *J. Q. R.*, XV, 79, 96. ("Das Gaonat in Palästina und das Exilarchat in Aegypten") zu verweisen. — S. 21, im arabischen Texte, muss statt ريس gelesen werden رئيس und statt "Rīs al-Yahūd" muss es in der Übersetzung heissen: Oberhaupt (Vorsteher) der Juden.

W. BACHER.

¹ S. mein *Leben und Werke des Abulwalid*, S. 51.

II.

In the *J. Q. R.*, XVII, p. 639, I have given a short account of the Massoretic Bible of Moses ben Asher; working, as I explained in the article, far away from my library and from my own books. I have to note that in the *Studia Biblica*, III, p. 36, Neubauer has also given a reproduction of the colophon and of one page of the MS. His photographs, however, have not turned out well; and there is, therefore, no harm done in their having been reproduced. I note also that both Baer and Wickes hold that this is not a MS. of Moses ben Asher, not even of his school, since the accentuation does not agree with the known rules of that scholar. Saphir and Baer are of opinion that the characters employed in the MS. are Spanish, and that therefore the codex is of Western European origin; an opinion which Neubauer very properly rejects. I can only say that the ornamentations upon a few of its pages are very similar in general character and appearance to those published on Plates 1-4 in Günzberg's "*L'Ornement hébreu*" (St. Petersburg MS. of the year 930), from a MS. which probably was written either in Syria or Mesopotamia. I note further that in an article published in the *Zeitschr. für Assyriologie*, XIV, pp. 293 et seq., Merx has printed the final Massorah from the codex of the year 1028, described by me on pp. 627, 628 of the aforementioned article. It is strange to read that he was able to see nothing of the other MSS. kept in the Karaite synagogue at Cairo. I have no special knowledge of the Massorah, and cannot enter into a controversy as regards the ascription of the MS. to Moses ben Asher. If the scholars above mentioned are right, it is curious, to say the least, that the same fate has befallen Moses ben Asher as has befallen Aaron ben Asher, for Wickes ("*A treatise on the accentuation of the Prose Books of the Old Testament*," pp. vii et seq.) and others believe that the famous Aleppo MS. is falsely ascribed to Aaron.

RICHARD GOTTHEIL.

III.

I find the following on p. 363 of the January number of the *Jewish Quarterly Review*:—" 'Word-peddling' and 'date-mongering' are terms which Mr. Wiener may apply to critical methods if he so delights, but it is not too much to ask that sincerity and honesty be attributed also to those who use them." I gladly leave my readers to judge of the truth of the reviewer's other statements and com-

ments, but as this one affects my personal character I ask you to publish this communication.

The suggestion that I have attributed insincerity or dishonesty to any critic is entirely baseless. Further, I did my best to prevent the possibility of any such inference being drawn from the evidence I adduced, by writing the following:—"Nobody will question the excellence of their intentions; nobody will suggest that any critic would willingly be guilty of the slightest falsehood; but can it fairly be said that the work we have examined shows that its authors possess the qualities of observing accurately and impartially, and reporting correctly the results of their observation?"—[*Studies in Biblical Law*, pp. 32-3.]

HAROLD M. WIENER.

IV.

The valuable notes by Professor Bacher and Dr. Porges (*J. Q. R.*, XVIII, 146 seq.) do not exhaust the rectifications that may be made in Professor Gottheil's article on the Cairo MSS. (*J. Q. R.*, XVII, 609 seq.). May I be permitted to add a few more? Not all the MSS. described by G. were unknown before. Besides Jacob Saphir, Professor Merx, in *Zeitschrift für Assyriologie*, XIV, 293 seq. (in which issue, by the way, Professor Gottheil also appears as a contributor), in his article "Die Schlussmassora aus dem Cairiner Codex vom Jahre 1028" (No. 13 in G.'s list), mentions also Nos. 16 and 34 shown him by the Chief Rabbi of the Karaites, whom he calls Shabtay (G., page 611, Cheleby) Mangouby. Six of the MSS. were described by Dr. Harkavy in his *שנים גמ' חרשים*, VI (reprint from *הפסגה*).

P. 616, end. The *Jewish Encyclopedia*, I, 637-8, states the generally well-known fact that the Antiochus-Megilla is to be found in editions and MSS. of parts of the Bible. Besides the MSS. mentioned in Note 3, we find the Megilla in Biblical MSS. in Hamburg, Leipzig, Paris, Parma, Turin, &c. (cp. Gaster's edition, pp. 15-16).

P. 616, n. 1. As a proof of the interest occasionally taken by Jews in the Gentile Bible, G. mentions a British Museum MS. containing a list of eighteen passages in which the translators of the LXX are said to have altered the text. We find the same list also in other MSS., e. g. Cod. Munich, 392, but it is proof of their interest only for very ancient times; cp. *Mekilta*, ed. Friedmann, 15 b, *Megilla*, 9 a, *Exodus Rabba*, V, 5, and other parallel passages.

P. 617 Copyists of the Hillel family are not so entirely unknown as G. thinks. Neubauer, *Studia Biblica*, III, 23 f., states that a

St. Petersburg MS. of the Hagiographa was written by a Moses ben Hillel in 994.

P. 619. No. 5 is mentioned by Harkavy (l. c. 8, No. 1), who reads correctly ארבעת אלפים, and also saw that Kislew 4949 was 1188.

P. 625, No. 10. A Lisbon edition of the Earlier Prophets is unknown; it is probably ed. Leiria 1494.

Ibid., No. 11. G. mentions a MS. of the Mishna ending with the ninth chapter of Mishpaṭim, את הפועלים (sic) הסוכר. As there is no treatise Mishpaṭim in the Mishna, it is doubtless a copy of Maimonides' *Mishneh Torah*, ending with Mishpaṭim IX, probably that of the third part mentioned in Ibn Saphir, I, 12 a.

Pp. 625-7, No. 12. One of the two Hilleli-Codices in G.'s article is mentioned by Harkavy (l. c., No. 2), who states that the frontispiece of the second volume, as well as the date at the end, are late forgeries, and that the MS. is written in a German hand. Saphir (l. c.) recognized the handwriting of a contemporary writer of Jerusalem in the epigraph, and says that the MS. was dated "under Solyman" (1521 seq.), and bears no other date.

P. 627, No. 13. The statement that the MS. extends "from Chronicles to Ezra and Nehemiah" deserves the amplification given to it by Merx, l. c., p. 294, who informs us that between Chronicles and Ezra are all the Hagiographa, and that the MS. in the poetical books often has only two columns. Merx also prints the colophon as Harkavy does (l. c., p. 10, No. 4), and besides gives the Massoretic notes at the end of the MS. (l. c. 310-30).

P. 632, No. 18. Mishael ben Uzziel, who is the author of an Arabic treatise on the differences between Ben Asher and Ben Naphtali (cf. Harkavy, הרשים גם ישנים, II, pp. 10 and 12), lived in the twelfth century. A letter of his to a R. Ḥananel, a Genizah MS., was published in *Z. f. H. B.*, IV, 155-8; cp. *ibid.*, 186, Steinschneider, *Arab. Literatur*, § 167.

P. 636, No. 27. In Harkavy, l. c., p. 10, No. 5, the note by the scribe is given, and the part now illegible reads: למי ישמר דרך אמונים. שרי ישקיף משמי מעונים לרחם עמו זה כמה שנים אמן. Samuel ben Jacob is the writer of the famous Bible MS. of 1009 in the St. Petersburg Library (Harkavy and Strack's *Catalogue*, p. 269)¹, the handwriting according to Harkavy being the same. The same library has also a Pentateuch with Massora and Saadia's translation written by him (Harkavy, *ibid.*).

¹ In 1134 this MS. was bought by . . . בר . . . יעקב, שלמה הכהן ראש ישיבה גאון יעקב, who is known to us through Prof. Schechter's *Saadyana*, pp. 81, 115, 116. Cf. also E. J. Worman in *J. Q. R.*, XVIII, p. 14.

P. 638, No. 30. The note on Lev. x. 16 is that of the small Massora; the reading of the Florence MS. (note 1) is that of our editions of *Maseket Soferim*, IX, 2.

Ibid., No. 33. The commentary, of which a specimen is given, is by Rashi.

Pp. 639-41, No. 349. Harkavy, l. c., pp. 8-10, No. 3. Neubauer, l. c., 25 seq. The date on p. 640, l. 18, Harkavy reads את"מא (1130). G.'s identification of 1443 (Sel)=1684 has been criticized by Porges. That 827 since the destruction of the second temple, the supposed date of the MS., is 895 (not 897), is shown by Neubauer and Harkavy. The latter has four inscriptions not to be found in G.'s article. P. 640, l. 21, Harkavy reads יפת נכר אלסכנדר, a name which occurs also in one of the inscriptions not mentioned by G., and he explains הנודע בכנוי = נכר אלסכנדר, "who is known under the name the 'Alexandrian.'" Another inscription begins וזה הרפתר הגביאים שהקריש אותו יעבין בן שלמה אלכלפי, and Harkavy thinks that he is a different person from the יעבין בן שלמה, who was not a Karaite, and did not write out the Tetragrammaton, as is done in the inscriptions of his Karaite namesake. In Neubauer's article a poor facsimile of the colophon, printed upside down at that, is to be found together with a facsimile of 1 Sam. iv. 15-v. 8. Neubauer, p. 25, states that Baer and Wickes conclude from the mode of accentuation that the MS. cannot have been written by a Massorete of Ben Asher's school, and gives some proofs. He concludes from the facsimile that it is written in the eleventh or the beginning of the twelfth century, and says that Harkavy shares his opinion. Curiously enough, Harkavy (l. c.) believes in its authenticity.

P. 641, No. 37, read מנהר"א. A copy of this collection was in Azulai's possession; cp. שם הגדולים, ed. Benjakob, p. 7 a.

P. 642, No. 39, read מוהר"י. The author is called ישועה שבאבו by Azulai, l. c., p. 55 d.

Ibid., No. 40, is a collection of Responsa printed in Leghorn, 1783.

Ibid., No. 45. The note at the end is that of the printer Parentz to his edition of the text of the *Hoshen Mishpat*, Venice, 1574. Are the notes of Jacob Castro, that is, the מהריק"ש, printed on the whole of the *Shulhan 'Aruk*, Constantinople, 1718, added to a copy of this edition?

P. 644, No. 53. Probably an Arabic translation of the well-known רוזאל.

Ibid. No. 54 is not on the Pentateuch, but on Ibn Ezra's commentary to the Pentateuch. It is the צפנת פענח; cp. Steinschneider,

Cat. Bodl., 2556; Friedlaender, *Essays on the Writings of Ibn Ezra*, 221-6.

Ibid., No. 58. According to the description of the contents, the **תפוחי זהב** is probably Melli's well-known printed extract of the **ראשית חכמה**. Was Josef Ergas the owner of the MS.?

P. 649, No. 70. Cp. Harkavy (l. c., p. 3, No. 24), who reads the name **שמונים ושתים לפרט האלף הששי** . . . and the date **זלה"ה אנדוראן דשפונין** : (1322).

P. 650 seq. The passage of Saphir referred to on p. 651, note 3, shows that the epigraph is a copy of the Aleppo Codex with corrections by Firkowitz, who changed **בן הנודע בן בויאעא** into **בן ירוחם**; cp. also Harkavy, l. c., pp. 6-7, and Graetz, *Monatsschrift*, 1875, p. 5 seq. Perhaps Firkowitz copied the note in the Jerusalem MS.

ALEXANDER MARX.

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I. ABRAHAMS, "Festival Studies, being Thoughts on the Jewish Year" (London, Macmillan; Philadelphia, J. H. Greenstone). Contents: (i) The Hopefulness of the Seder; (ii) The Poetry of Pentecost; (iii) The Procession of the Palms; (iv) The Book of Life; (v) The Abodah; (vi) Purim Parodies; (vii) Art on the Seder Table; (viii) A Unique Haggadah Picture; (ix) The Succah of the Bible; (x) Some Succahs I have known; (xi) Judaea Devicta; (xii) The Decalogue in the Liturgy; (xiii) By the Water-side; (xiv) God and Man; (xv) Chad Gadya; (xvi) Myrtle; (xvii) Willows of the Brook; (xviii) Queen Esther on the English Stage; (xix) Hans Sachs' "Esther"; (xx) The Shofar; (xxi) Hanukah in Olden Times; (xxii) The Hallel; (xxiii) The Four Sons; (xxiv) Adon Olam. Pp. x, 185. Price 2s. 6d.

A. ACKERMANN, "Geschichte der Juden in Brandenburg" (Berlin, Lamm). Pp. ix, 224. Price 4 M.

S. ADLER, "Das Schulunterhaltungsgesetz und die preussischen Bürger jüdischen Glaubens" (Frankfurt a. M., Kauffmann). Third edition with an Appendix, "Der neue Schulgesetzentwurf und die jüdische Schule." Pp. 44. Price 1 M.

M. AUERBACH, "Wörterbuch zur Mechilta des R. Ismael, Buchstabe נ, nebst Einleitung" (Berlin, Lamm). A contribution to the lexicography of the Tannaite Midrash. The Introduction deals with grammatical matters: comparing the Hebrew of the Mechilta with Biblical Hebrew. Pp. 115. Price 2.50 M.

D. BALAKAU, "Die Sozialdemokratie und das jüdische Proletariat" (Vienna, Suschitzky). Pp. 64. Price 80 Pf.

¹ Some publications which appeared at the end of 1905 are included in this list.

J. P. BALTZER, "Hebräische Schulgrammatik für Gymnasien" (Stuttgart, Metzler). Pp. vii, 143. Price 1.50 M.

J. BÁNÓCZI, "Évkönyv, 1906" (Budapest, izr. magyar irodalmi Társulat). Contributions by L. Blau, S. Krauss, &c. Pp. 394.

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E. BEHRENS, "Assyrisch-Babylonische Briefe religiösen Inhalts aus der Sargonidenzeit" (Leipzig, Dissertation, 1905). Pp. 56.

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A. BERENDTS, "Die Zeugnisse vom Christentum im slavischen *De bello Judaico* des Josephus" (Leipzig, Hinrichs). In Gebhardt u. Harnack's "Texte und Untersuchungen" (Neue Folge, xiv, 4). Pp. 79. Price 2.50 M.

A. BIACH, "Zur Erinnerung an den 700 jähr. Todestag des jüdischen Geisteshelden Moses Maimonides" (Brussels, Ach). 2nd ed. Pp. 14. Price 50 cent.

"BIBLE, SHOULD CLERGYMEN CRITICIZE THE" (London, Nisbet). By various writers. Pp. 250. Price 3s. 6d.

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A. BLACK, "Ruth, a Hebrew Idyl" (London, Hodder & Stoughton). Twelve Short Studies. Pp. 246. Price 3s. 6d. net.

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G. H. BOX, "The Spiritual Teaching and Value of the Jewish Prayer Book" (London, Longmans). Pp. 51. Price 3d. net.

J. H. BREASTED, "A History of Egypt from the Earliest Times to the Persian Conquest" (London, Hodder & Stoughton). With 200 illustrations and maps. Pp. xxix, 634. Price 2cs. net.

H. BRODY and K. ALBRECHT, "שֵׁר הַשִּׁיר the New-Hebrew School of Poets of the Spanish-Arabian Epoch" (London, Williams & Norgate). Selections (160 in all) of Hebrew poems by Menahem b. Seruk, Dunash b. Labrat, the disciples of Menahem, Isaac b. Kapron, Jehudi ibn Sheshet, Joseph ibn Abitur, Isaac ibn Gayyat, Isaac ibn Kalfon, Joseph ibn Hisdai, Samuel ha-Nagid, Solomon ibn Gabirol, Isaac b. Saul, Isaac b. Reuben, Jehuda ibn Balam, Bahya ibn Pekuda, Abun, Moses ibn Ezra, Joseph b. Sahal, Isaac Mashkaran, Jehuda Halevi, Levi al-Tabban, Jehuda ibn Gayyat, Solomon ibn Gayyat, Joseph ben Šaddik, Joseph ibn Muhajir, Jehuda ibn Abun, Solomon ibn al-Muallim, Hiyya Davudi, Yekuti'el, David ibn Bakuda, Abraham ibn Ezra, Isaac ibn Ezra, Jacob ben Eleazar, Joseph ibn Zebara, Jehuda al-Ḥarizi. Introduction, notes, critical and exegetical, and dictionary in English. Pp. xii, 218. Price 7s. 6d.

K. BUDDE, "Das prophetische Schrifttum" (Halle, Gebauer-Schwetschke). Pp. 68. Price 40 Pf.

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F. C. CONYBEARE and ST. GEORGE STOCK, "Selections from the Septuagint according to the text of Swete" (London, Ginn). Introduction, notes, and a grammar of Septuagint Greek (76 pages). Pp. 313. Price 6s. 6d.

F. COURTTS, "The Song of Songs. A Lyrical Folk-Play of the Ancient Hebrews. Arranged in VII Scenes" (London, Lane). With illustrations by H. Ospovat. Pp. 67. Price 1s. net.

G. DALMAN, "Palästina-jahrbuch des deutschen evangelischen Instituts für Altertumswissenschaft des heiligen Landes zu Jerusalem" (Berlin, Mittler). First year. Four plates. Pp. 125. Price 2.40 M.

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Das Klima ; Pflanzenwelt ; Bevölkerung ; Wirtschaftliche Verhältnisse ; Verwaltungseinteilung ; Zukunft des Landes. Pp. vi, 480. Price 6 M.

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STUDIES IN THE JEWISH LITURGY.

“THEY who write down prayers are as they who burn the Torah.” So runs a principle¹ that found acceptance in the early days of Judaism until the close of the Talmud (500 C.E.). From the point of view of the history of religion this is truly an admirable injunction, for the prohibition to write down prayers retained for the service its naturalness and spontaneity, preserved it as worship of the heart (עבודה שבלב), and left ample scope for the momentary mood and free expression of feeling. Yet, from the point of view of the historian of literature, this conception is greatly to be regretted, as it held its ground not only in theory, but was also carried into actual practice. Prayers were in point of fact not written down. From the whole of the first thousand years after the Babylonian Exile not a single congregational prayer has been handed down to us in its original wording.

For the student of Jewish Liturgy the range of sources is even narrower and more difficult of access than that open to the searcher in the realm of general early Jewish literature. Moreover, we have to bewail severe losses from the period in which prayers were ultimately committed to writing.

For it is clear that in the course of a history extending over 1,000 years much material, and that not always of the least worth, must perish; and we are here face to face with

¹ כותבי ברכות כשורפי תורה, *Shabbath*, 115 b.

the fact that *one whole branch* of the liturgy has been lost. The course of historical development was such that the Babylonian Academies became the final authorities in every province of religious life for the whole Jewish people; and only those Jewish traditions were preserved that were transmitted through them. Thus it was that, although the synagogue service was first developed in Palestine and it there evolved its first technics and terminology, *the Palestinian ritual* with its characteristic features fell a victim to time. Isolated and scanty remains will have to be used to restore it.

These two facts—that the oldest liturgies have not been preserved, and that those that have been preserved have all been transmitted through the Babylonian medium—have left their impress on the history. Later authorities, owing to lack of adequate sources, were often unable to find their way aright, and therefore spread conceptions which are out of keeping with the sense of the original sources. When, at the request of the “Gesellschaft zur Förderung der Wissenschaft des Judentums,” I undertook detailed studies in the history of the liturgy, the conviction forced itself upon me that before a consecutive presentation is possible, some fundamental conceptions of the liturgy needed fuller examination and discussion. These investigations I hope to present in a series of articles, and to supplement them by a discussion of manuscript variations in our principal prayers (Stammgebete).

I. פֶּרֶם עַל שְׁמַע.

A.

The first act of the daily morning prayers that the oldest traditional literature mentions is פֶּרֶם עַל שְׁמַע. The *Mišna Megilla*, IV, 5, prescribes that this act requires the presence of ten adult co-religionists: אֵין פּוֹרְסִין עַל שְׁמַע¹ פָּחוֹת מֵעֶשְׂרָה

¹ The text varies. The Pesaro edition and Maimuni always write

is qualified to act as פורם על שמע and who not. The meaning of the term was in quite early times misunderstood, and the Amoraim even were unable to explain it, as they no longer knew the connection that brought about its use. We find an erroneous explanation already in *Masekhet Sof^erim*—in so far as the text is correct—where we read אין פורסין על שמע לא בישיבה ולא בעמידה (X, 7, ed. Müller, p. xvii). According to this it would speak of the possibility of a second reading of the שמע, the first before the Shemone Esre (=sitting), the second after this prayer (=standing)¹. This latter procedure is more fully explained at the end of chap. X (ed. Müller, p. xviii): ובמקום שיש שם תשעה או עשרה ששמעו בין ברכו ובין קריש ולאחר התפלה עומד אחד מאלו ויאמר ברכו או קריש וענו אחריו יצא ידי חובתו.

Another wrong view is presented in chapter XIV, 8, where פורם על שמע is brought into connection with the very late custom of reciting שמע at the taking out of the Torah. The later commentaries were written under the influence of this explanation. Raši accepts it literally, at the same time trying to account for the term פורם = "to halve," by making it apply to the reciting of only the first blessing before the Shema (besides the Kaddish).

R. Abraham b. David offers the same explanation in his comments on the Yad haḥazaka, whereas Maimuni refers the term to the two paragraphs יוצר אור and אהבה רבה².

The dictionaries also offer little better than this explanation, the Arukh not taking full advantage of the useful analogy that it quotes from the Targum to 1 Sam. ix. 13, where ארי הוא יפרים על כי הוא יברך הזבח is reproduced as נכסתא³.

פורשין (cf. Behrens S., *Mose ben Maimūni's Mischnah-Commentar zum Tractat Megillah*, p. 20). Further, the Pesaro, Venice, and Constantinople editions and the editions of the Mišna read אה שמע. Cf. Müller, *Masekhet Sof^erim*, p. 190.

¹ The modern Sephardic custom of repeating ברכו at the end of the service is similar.

² ה' תפלה, VIII, 5. *Mišna Commentary*, l. c.

³ Vid. פורם, 8; for the text cf. Levy, *Targum-Wörterb.*, II, 293, פורם.

Now all the explanations here adduced are *untenable*, since they contradict the unanimous use of the term in the old sources. In the first place in the Mišna itself, among the regulations for the service, those of **פרס על שמע** always receive first mention. A glance through them suffices to show that it is not a question of an act of private devotion appended to the service, but rather of *the commencement of the congregational prayers*, of the recital of the Shema, with its accompanying paragraphs. In the Palestinian Talmud¹ also the question **מכיון דתנינן אין פורסין את שמע וליידא מילה תנינן אין עוברין לפני התיבה** implies that the Mišna enumerates its regulations in the order in which the parts of the service follow one another. The incident related in the Midrash, that the congregation to which Eleazar Hisma² was sent called upon him with the words **פרס על שמע** at the *beginning* of the service, testifies to the same fact. So also Amram's Siddur uses the expression in a similar connection, about the true meaning of which there can be no doubt. At the end of the well-known passage about the introduction of the Shema into the Kēduša it reads: **כיון שבטלה הגזרה והיו פורסין את שמע** (p. 11 a). Compare further p. 24 b³: **שאלו מן קמי רב נטרונאי גאון ז"ל הנכנס לבית הכנסת ומצא צבור מתפללין ועדיין לא קרא פסוקי דזמרה מהו שיעסוק עם הצבור בעסק שמצאם**

Jastrow (*Dictionary*), who keeps to the usual view, explains the term **פרס** from the analogy of **פרס סורא**, *Ber.*, 51 a, "spread a cloak over the head for the recitation preceding the Shema" (cf. Migdal Oz in Maimuni, l.c.). But this custom is nowhere attested for the prayer.

¹ *J. Megilla*, IV, 4, fol. 75 a, ed. Krotoschin.

² *Lev. Rabba*, sect. 23. *Cant. Rab.* to II, 2. ר' אלעזר אול לחר אחר אמרו ליה . . . פרוס על שמע אמר להן לינא חזם עבד לפני התיבה אכר להן לינא חזם . . . The order of the acts of the service is the same in *Cant. Rabba*, VIII, 13: אע"פ שישראל עסוקין במלאכתן כל ששה ימים ביום השנה משכימים ובאים לבית הכנסת . . . ; וקורין קריית שמע ועוברין לפני התיבה וקורין בתורה ומפטירין בנביא . . . except that here, in accordance with the later usage, the expression קריית שמע is used.

³ Cf. *Hal. Gedol.*, ed. Hildesheimer, p. 22, a good instance of how inaccurately such passages are often cited.

ובך אמר ריש : P. 47 a. כנון שמצאם בתחלת עסק פריסת שמע
מתיבתא מנהג . . . לאחר שאוכלין וחוזרין . . . כיון שעומד עליה צבור

¹ לפרוס את שמע. All these passages speak of the chief prayer of the congregation, not of an appendix to it. פרס על שמע then is presented to us as *the old technical expression for the recital of the Shema and the blessings belonging to it*, in the congregational morning service. We include the blessings, as the saying כל יהודה אומר ר' יהודה אומר, שלא ראה מאורות מימיו לא יפרוס על שמע, obviously referring to the eulogy יוצר אור at the beginning of the prayer, shows that they are comprised in the "Perisath Shema."

The question arises now, what is the origin of the term פרס, for the root-meaning of פרס is "divide," "break" (cf. Raši פורס כמו בפרוס החג פלגא RABAD, פרס לשון חצי הרבר); all derived forms and all other combinations of the root always go back to the meaning "divide," "cut in pieces." There must have been in the manner of reciting these sections something to occasion the choice of this expression. In point of fact one can follow up the inquiry into the manner of recitation of these sections from the statements of the oldest sources. In *Mišna Sota*, V, 4, the question is debated how we are to imagine the singing of the Song of Moses at the Red Sea (Exod. xv). The forcible objection to the authenticity of this song brought by Higher Criticism, that a large multitude of people at a low standard of culture could not suddenly break out into such a long and artistic poem, was also felt by the early Rabbis, and they sought to master the problem in various ways. Three analogies were drawn into comparison from the daily religious life. The account of the *Mišna* is but short, that of the *Baraita* more detailed. We have it in three recensions; no one of these offers a wholly correct text,

¹ In the Responsum of Natronai's שיערי חשוכה, No. 9, ed. Lyck, No. 83, there is still some recollection of the fact that the פרס על שמע is not the ordinary reader; but no clear definition is there given, nor of the יורד לפי ההנהגה. I hope to return to the latter in a special article.

but they all contribute towards amending the text. We set them out here side by side:

I.

Tosefta Sota, VI, 2, 3, ed.
Zuckerm. p. 303, l. 16 seq.

דרש ר' עקיב' בשעה שעלו
ישראל מן הים שרת עליהן רוח
הקודש ואמרו שירה כקטן
שהוא קורא את ההלל בבית
הסופר ועונין אחריו על כל
עינין ועינין משה אומ'
אשירה לי' וישראל' אומ' אשירה
לי': משה אומ' עזי וזמרת
יה וישראל' אומ' עזי וזמרת
יה ר' אליעזר בנו של ר'
יוסי הגלילי אומ' כגדול
שהוא מקרא את ההלל בבית
הכנסת ועונין אחריו עינין
ראשון משה אומ' אשירה
לי' וישראל' אומ' אשירה לי'
משה אומ' עזי וזמרת יה
וישראל' אומ' עזי וזמרת יה
ר' נחמיה אומ' כבני אדם
שקוראין את שמע שנ' ויאמרו
לאמר מלמד שהיה משה
פותח תחילה וישראל' אומרין
אחריו וגומרין משה אומ' אז
ישיר משה וישראל' אומ'
אשירה לי' משה אומ'
עזי וזמרת יה וישראל' או' זה
אלי ואנוהו משה אומ' י'
איש מלחמה וישראל' אומ' י'
שמו:

II.

Jer. Sota, V, 6, ed.
Krotoschin, fol. 20 c.

בו ביום דרש רבי עקיבה
אז ישיר משה וגו'. לקטן
שהוא מקרא את ההלל בבית
הספר והן עונין אחריו על כל
דבר ודבר. משה אמר
אשירה והן עונין אחריו
אשירה. משה אמר עוזי
והן אומר' עוזי. ר' אליעזר
בנו של ר' יוסי הגלילי אומר
לגדול שהוא מקרא את ההלל
בבית הכנס' והן עונין אחריו
דבר ראשון. משה אמר
אשיר' והן עונין אשירה.
משה אמר עזי והן עונין
אחריו אשירה מה
ת"ל לאמר רבי אבהו בשם
ר' יוסי בי ר' חנניה כהדין
פסוק' משה אמר אשיר' והן
עונין אחריו אשירה לי'
כי גאה גאה סוס ורוכבו
רמה בים. משה אמר עזי
וזמרת. והן עונין אחריו עזי
וזמרת יה:

III.

Babli Sota, 30 b (cf.
Tosaf., ib. s.v. רבי נחמיה).

ת"ר בו ביום דרש רבי
עקיבא בשעה שעלו ישראל
מן הים נתנו עיניהם לומר
שירה וכיצד אמרו שירה
כגדול המקרא את הלל והן
עונין אחריו ראשי פרקים
משה אמר אשירה לה' והן
אומרים אשירה לה' משה
אמר כי גאה גאה והן
אומרים אשירה לה' רבי
אליעזר בנו של רבי יוסי
הגלילי אומר כקטן המקרא
את הלל והן עונין אחריו
כל מה שהוא אומר משה
אמר אשירה לה' והן אומרים
אשירה לה' משה אמר כי
גאה גאה והן אומרים כי
גאה גאה רבי נחמיה אומר
כסופר הפורס על שמע בבית
הכנסת שהוא פותח תחלה
והן עונין אחריו

The analogies adduced are drawn (1) from the method of teaching children in the schools; (2) from the recital of the Hallel in the synagogue; and (3) from the reading of the Shema in the synagogue. We gather from the three sources approximately the following text for the Baraita: בו ביום דרש ר' עקיבא בשעה שעלו ישראל מן הים נתנו עיניהם לומר שירה וכיצד אמרו שירה כקטן שהוא קורא את ההלל בבית הספר שהסופר פותח והן עונין אחריו על כל ענין וענין משה אומר אשירה לד' והן עונין אחריו אשירה לד' משה אומר עזי וזמרת יה והן עונין אחריו עזי וזמרת יה • ר' אליעזר בנו של ר' יוסי הגלילי אומר כגדול שמקרא את ההלל בבית הכנסת שהוא פותח והן עונין אחריו ענין ראשון משה אומ' אשירה לד' וישר' אומר' אשירה לד' משה אומר עזי וזמרת יה וישראל אומרים אשירה לד' • ר' נחמיה אומר רוח הקדש שרתה על ישראל ואמרו שירה כבני אדם הפורסין על שמע בבית הכנסת שנ' ויאמרו לאמר מלמד שהיה משה פותח תחילה וישר' אומרין אחריו וגומרין משה אומר אז ישיר משה וישראל אומרים אשירה לד' משה אומר עזי וזמרת יה וישר' אומרים זה אלי ואנוהו משה אומר ד' איש מלחמה וישראל אומרים ד' שמו:

When we examine the last statement, we gather from it that under *פרס על שמע* was understood a verse by verse recitation in which the reader and congregation alternated. The examples instanced would favour the presumption that the congregation joined in where the reader left off ($a < b$). But the expression *פוחה תחלה וישראל* makes it probable that the congregation repeated the half verse that the reader had already recited, and added to it the second half of the verse ($a < a + b$). This scheme finds exemplification, and at the same time strong support in the statement of the *Mechilta*¹; although Friedmann offered a wrong interpretation for it, he has supplied the right emendation of the text, which has since been confirmed by the newly discovered source of the *Mechilta* of R. Simon: ויאמרו לאמר ר' נחמיה אומר רוח הקודש שרת על ישראל ואמרו שירה כבני אדם שקורין את שמע אלעזר בן תדאי אומר משה פותח ואומר אשירה לה' וישראל עונין אחריו וגומרין עמו סוס ורובבו

¹ *Mechilta*, ed. Friedmann, p. 35 a.

רמה בים, משה פותח ואומר עזי וזמרת יה וישראל עונין אחריו וגומרין עמו זה אלי ואנוהו, משה פותח ואומר ה' איש מלחמה וישראל עונין אחריו וגומרין עמו ה' שמו : (ed. Hoffmann, p. 57).

Together with this method of reciting the Shema here indicated there hangs a peculiarity, which, although truly remarkable, has never yet been explained. In the liturgy the sentence *ברוך שם כבוד מלכותו* שמע ישראל is followed by *לעולם ועד*. For what reason are two consecutive Bible verses, Deut. vi. 4 and 5, interrupted by a eulogy?¹ נימריה², says the *Talmud Pesahim*, 56 a, with perfect right. The eulogy corresponds with those familiar to us; its wording is derived from the Temple worship (*Yoma*, III, 8, IV, 2, VI, 2. Cf. *Toseft. Taanith*, I, 11, p. 215, l. 28). There the formula served as a response of the congregation to the utterance of the Divine Name by the High Priest. Its meaning must everywhere be that the hearer responded with this sentence at the utterance of the Tetragrammaton, but not as it is now in our liturgy, where one and the same person says the preceding verse *and* the response. When we realize that in the old service the reader and congregation each spoke only the half of a verse, that therefore when the one was active the other was passively listening, we can very well appreciate the insertion of the eulogy. When we realize that the reader began with שמע ישראל, the congregation repeated these words and completed the verse, we can understand why the reader responded to ה' אלהינו ה' אחר with ברוך שבמל"ו.

A well-known Agada pictures the patriarch Jacob on his deathbed in converse with his sons before giving his

¹ In the *Midrash Tanhuma* קרושים, ed. Buber, p. 74, אמר ר' מני לא תהא קריית שמע קלה בעיניך משני שיש בה רמ"ה חיבות כנגד איברים שבאדם ומהם ברוך שם כבוד ה' אלהינו ה' אחר is not given as the reason of the insertion of the words; such explanations are usually sought for and found later when the matter in question is already in existence. The literature to ברוך שבמל"ו is given by Friedmann in the note to *Sifre Deut.* 31, p. 72 b, no. י"ו.

² For the text cf. *Dikduke Sofrim*.

blessing; they assure him of their belief in the unity of God, whereat he blesses the Lord. I would hazard the assertion that this old Agada¹ is framed directly on the model observed daily in the divine service. Compare the simplest version in the Pseudo-Jonathan Targum to Deut. vi. 4:—

והוה כיון דמטא זימניה דיעקב אבונן למתכנשא מנו עלמא הוה מסתפי
דלמא אית בבנוי פסולא קרא יתהון ושיילינן דלמא אית בלבבון עקמנותא
אחיבו כלהון כחדא ואמרו ליה שמע ישראל אבונן ה' אלהנא ה' חד עני
(ed. Ginsburger, p. 313).

The authorities lay great importance on the saying of *softly*, and are at pains to account for the custom². The true grounds for it are so that an interruption should be avoided, and it is on this account that the Reader said the words in an undertone.

Should any doubts still present themselves, however, as to the meaning of *פרם על שמע* here given, they will entirely disappear when we take into consideration the opposite case. The Mišna knows of a manner of reciting the Shema called *כרך את שמע* that differs from the customary practice described above. *Pesahim*, IV, 8: ששה דברים עשו אנשי יריחו . . . ואלו הן שלא מיהו בידם היו . . . וכורכין את שמע
“To wrap up the Shema” is a remarkable expression that like *פרם* seems to be borrowed from the dinner-table, which in its turn seems to have taken over these two metaphors from acts of dressing. But what in fact was the practice of the

¹ In the editions of the Talmud *Babli Pes.*, 56 a, it is given as *כרוריש ר'* ; שמעין ב' לקיש; but R. Hananel to this passage and *Shibbole ha-Leket*, XV (ed. Buber, p. 14) read *ר' שמעין ב' פי*. But this variation in the name does not make any material difference here, as the early date of this Agada is proved by the Sifre and Targum Pseudo-Jonathan. In this point our explanation differs from that offered in the *Monatsschrift*, XXXV, 1886, p. 120, where the theory of the alternating recitation of the Shema is brought forward for the first time, in that there *ברוך שכלל* is taken as the response of the congregation.

² *Pesahim*, *ibid.* : התקינו שיהו אומרים אותו בהשאי. Cf. *Shibbole ha-Leket*, l. c.

people of Jericho is not clear, and the later Tannaim were no longer able to give any clear information on the question. כיצד היו כורכין את שמע אומרים שמע ישראל ה' אלהינו ה' אחר ולא היו מפסיקין דברי ר' מאיר ר' יהודה אומר מפסיקין היו אלא שלא היו אומרים¹. ברוך שם כבוד מלכותו לעולם ועד.

In the Jerusalem Talmud there are two differing commentaries on this controversy. According to the one, R. Meir was of opinion that in Jericho no pause was made between each word of the verse שמע ישראל, while R. Jehuda held that the necessary pause was made, but that ברוך שם כבוד מלכותו was not inserted. The second view understands R. Meir as maintaining that no interval was made between אחר and ברוך, whereas, according to R. Jehuda again, only ברוך שם כבוד מלכותו was omitted, but the pause (of course in this case between אחר and ויהבת) was made. Both versions are derived from a period in which the proceeding in question was no longer known, and therefore exhibit a confusion of elements of right and wrong. It may well be that R. Meir and R. Jehuda did not express themselves with certainty and complete accuracy, as in all probability they were both aiming at explaining one and the same fact, but from different points of view. For in contrast to the general custom of an alternating recitation of the Shema, it was the custom in Jericho to recite it "wrapped up," i. e. the reader read the *whole* section without interruption, while the congregation said it quietly with him. Naturally in this case there was no opportunity to insert ברוך שם כבוד מלכותו, and whereas R. Jehuda knew that this sentence was omitted in Jericho, R. Meir had heard that they did not there "interrupt," by which was meant that the reader did not pause to let the congregation take up the reading. In course of time the custom of Jericho became the general one, but with the retention of the sentence ברוך שם כבוד מלכותו, and it is therefore that the old notice and the controversy of the Tannaim were unintelligible. For this reason also

¹ Tos. Pesahim, II, 19 (160); Jer. iv. 9 (31 b); Babli, 56 a.

the word *מפסיקין* was given the meaning of "to make a pause"—a meaning that it did not originally bear¹.

The recitation of the Shema and the blessings accompanying it took place in the following manner: a member of the congregation intoned the prayer from his place², standing or sitting³, and the congregation joined in. The President, *ראש הכנסת*, called upon one of the assembled congregation and charged him with this office of honour in the service; *פרום על שמע* was the invitation given to Eleasar Hisma. It was not easy to comply with this request: not every one possessed the necessary knowledge and requisite skill, and not every one could command sufficient self-possession. The prayers were recited from memory, without the aid of any written text; and even the three biblical sections that make up the Shema were not read in the service, although the rule⁴ that one must recite "scripture" only with the book before one in general held good. In the analogous case where the Maamadot were allowed to recite the first chapter of Genesis from

¹ The explanation of the sentence *ברוך שכל"ו* offered by Friedmann, *Sifre*, l. c., and Büchler, *Die Priester und der Cultus*, &c., 1895, p. 167 ff., has only complicated the matter by quite unnecessarily drawing into it political questions. The meaning and origin of the eulogy are rightly explained by Blau, *R. É. J.*, XXXI, p. 189, although many of the hypotheses there made are hardly capable of proof. Our explanation accounts for everything simply, from the liturgical standpoint, and at the same time from the analogy of the related Midrash of Jacob and his sons. To the further question why it was just in Jericho that this variation in custom obtained, we can give no clear answer. Probably it was not peculiar to Jericho alone, and in the course of time it became the general custom.

² The *פוחה*, raggedly dressed, was allowed to perform no part of the service but this (*Meg.*, IV, 6), for in all others he would have to leave his place, and would thus have to stand in a prominent position before the congregation unworthily clad.

³ Cf. *Genes. Rab.*, sect. 48: *וקורין קריאת שמע והן יושבין לכבודי ואני על גבן*. More striking is *Pesikta* שור, ed. Buber, 77 a: *כך אמר הקב"ה . . . א"ר ברכיה . . . כן אמר הקב"ה*. לא המרהתי עליכם, ולא אמרתי לכם שההיו קורין אותה לא עומדין על רגליכם, ולא פורעין את ראשיכם, אלא בשבתך בביתך . . .

⁴ *דברים שנכתב א"א רשאי לאמרן בע"פ*. Cf. Müller, *Briefe und Responsen in der vorgaonäischen jüdischen Literatur*, Note 23.

memory, the expression used is וקורין על פיהן בקורין את שמע (*Taanith*, IV, 3).

The invitation to officiate as פורם על שמע could cause embarrassment to many, as even Eleasar Hisma had to refuse as he was not able to comply with the request. The congregation too had to be protected against any one being able to force himself forward for the honour, and to be ensured that he who was delegated for the honour could offer a guarantee that he possessed the requisite capacity. If this be the case, we find the key for solving a riddle that for centuries has been awaiting its solution.

המפטיר בנביא הוא פורם על שמע, says the Mišna. What have Haftara and Shema to do with each other? Further, why is the earlier act in the service made dependent upon the later? Was it then from the outset determined who was to say the Haftara? The notice in Luke iv. 16 ff. does not give the impression of the reading of the Haftara having been dependent on any other act, and we have not the least right to mistrust this point in the description of the Evangelist. In consequence of these difficulties, there arose the view of *Sof^erim*, XIV, 8: המפטיר בנביא הוא פורם על שמע באיזה שמע אמרו . בשמע של ספר תורה. That may well have been the case in later practice; but the Mišna does not know of any such ceremonious taking out of the Torah—cf. *Yoma*, VII, 1, *Sota*, VII, 7, 8—and moreover employs the term פורם על שמע only in reference to the first part of the morning prayers. According to the Talmud it is usual to perceive a compensation for the Maftir in the connection of the two functions. For it was the custom that only children read the Haftarah, and if an adult on occasion agreed to do it, he received compensation by being entrusted with the office of reader as well. But this explanation is impossible. Apart from other difficulties, the latter part of the sentence ואם היה קטן אביו או רבו עוברין על ידו is in direct contradiction with this view. If it was customary for children to read the Haftara, it was unnecessary to offer any compensation, as it was

honour enough to be allowed to read from the prophets in public. Finally, the custom of children reading the Haftara is not established for olden times, and it would be difficult to show that the teaching of boys in general rendered them so competent. The Prophets did not belong to the run of subjects generally taught; the knowledge of them was by no means widely spread, and the ordinary man could scarcely read them fluently. Therefore any one conversant with the Prophets could be presupposed to possess a measure of familiarity with religious matters, and could be credited with a knowledge of the prayers.

Thus in the sentence *המפטיר בנביא הוא פורס על שמע*, we have hardly to see a law so much as a direction: "It may confidently be permitted to any one capable of reading the prophets to act as reader of the Shema." Should he be under age, however, it is not in keeping with the honour of the congregation that he should himself officiate; but the persons to whom he is indebted for his knowledge, his father—in the earliest times the teacher of his children—or his teacher, takes his place; one can with certainty presuppose in them the knowledge needful for a reader.

The Jewish synagogue service had a thoroughly democratic constitution; in it no one held a specially privileged position; neither birth nor station conferred any prerogatives—with the exception of the blessing of the priests; capacity and willingness alone were the factors which determined whether any one should undertake this or that office. But the congregation had to be protected against its liberality being abused by such of its members as were too greedy of honour. Nevertheless it happened often enough that the reader was guilty of incorrect reading, and the Mišna contains a number of regulations for the reader who makes a mistake in the prayers.

I. ELBOGEN.

(To be continued.)

THE ARABIC PORTION OF THE CAIRO GENIZAH AT CAMBRIDGE.

(*Thirteenth Article.*)

XXXI.

SA'ADYĀH'S COMMENTARY ON EXODUS.

Two leaves, 21 × 20 cm. Orient. square char., twenty-five lines on page.

The two leaves of this fragment formed the earlier and latter portions of a booklet, and it is therefore preferable to deal with each of them separately. The whole fragment belongs to Sa'adyāh's commentary on Exodus (hitherto considered lost), as already stated in a former notice¹. Sufficient evidence of Sa'adyāh's authorship is given not only in the repeated allusion to the same writer's anti-Qaraite treatise on "The rejection of speculation concerning the laws based on [prophetic] tradition²," but also by the translated Bible verses which coincide with Sa'adyāh's version of the same. Another, and absolutely convincing proof follows.

I. Pinsker³ quotes a passage from Yefeth's Arabic

¹ See the *Tenth Article* of this series, vol. XVII, p. 714.

² See *ibid.*

³ *Likkūtē Kadm.*, Annot. p. 20. This should dispose of the title of an alleged treatise by Sa'adyāh on *עלי אשראי אלסמיעה*, recorded by Poznański (*J. Q. R.*, X, 259) and Steinschneider (*Arab. Literatur*, p. 80), according to older authorities. *עלי אשראי* is but a misreading for *אלקיאם*, the word *אשראי* being omitted. The term *סמיעה* refers to laws based on prophetic tradition. The occurrence of the same term in the *Kitāb al Amānāt* shows that even this philosophic work has its anti-Qaraite tendencies. This is decidedly the case with the portion given as No. XXVI of the fragments of this series.

commentary on Exod. xxxv. 3. The polemical treatise alluded to in this passage he attributes to Yefeth, and is, in this opinion, followed by Dr. Poznański. This is, however, an error. The treatise in question is by Sa'adyāh, and our fragment represents the original from which Yefeth copied his quotation. In his endeavour to refute Sa'adyāh he quotes, piece by piece, nearly the whole text of the first leaf of our fragment. Incidentally he thus assists in the restoration of several deleted passages.

The matter is also interesting from another point of view. Apart from his special anti-Qaraite treatises, Sa'adyāh inserted extensive polemical discourses in his Bible commentaries. Several copies of these were in all probability wilfully destroyed by Qaraite fanatics; hence, no doubt the scarcity of Sa'adyāh's exegetical and polemical works.

The fragment begins in the middle of the interpretation of Exod. xxxv. 3. The employment of the words "Throughout your habitations" in connexion with the prohibition of kindling fire on the Sabbath gives the author an opportunity of alluding to the prohibition of leavened bread on Passover (Exod. xii. 20), and the prohibition of blood and fat (Lev. vii. 25, 26), which holds good in every part of the globe. He then reviews other commandments which the Qaraites put on a parallel with the prohibition of kindling fire, viz. Deut. xxv. 4; Exod. xii. 15; Lev. x. 9; Exod. xxi. 33 and xxii. 5; Lev. xxv (Deut. xv). In further illustration he gives the manner in which Samson set fire to the crops of the Philistines (Judges xv. 5). A second group of instances begins with Exod. xxi. 20, but here the first leaf unfortunately ends.

Yefeth's refutation is likewise attached to his explanation of Exod. xxxv. 3, but is, strange to say, repeated verbatim in his interpretation of Lev. xxiii. 3. Whether this repetition is due to the author or to the copyists is difficult to decide. I feel inclined to adopt the former view, as this repetition materially assisted in more widely diffusing the refutation. So large a work as Yefeth's commentary

could not well be kept together, but probably circulated in single volumes. The theory of intentional repetition would also show the importance Yefeth attached to his refutation of Sa'adyāh. It is introduced by the following *seven* questions¹:—

1. Does the kindling of fire [on Sabbath] come under the heading of "thou shalt not do any work" or not?
2. Does the prohibition of kindling fire mean direct or indirect lighting?
3. Do the words "on the Sabbath day" inhibit any work begun before the Sabbath and progressing during the Sabbath?
4. Does light come under the meaning of kindling fire or not?
5. Have the words "throughout your habitations" a special or only general meaning?
6. Does this prohibition bear on the Sabbath, or has it any other application?
7. For what reason is the kindling of fire singled out from all other kind of work?

In answering these questions Yefeth points out that lighting fire cannot be excluded from the meaning of the verse Exod. xx. 10. The following is the reason why this prohibition was specially mentioned. Lighting fire is not the direct but indirect result of work, "because he who produces fire does not kindle it, but only strikes the stone with [a piece of] iron." The spark which falls on the wick is not kindling, the latter being the result of the flame, and marking but the third—or indirect—stage. One cannot speak of kindling fire when the flame attaches itself to the fuel. It is a mistake to assume that the effect of the intermediary stage is not likewise [a] forbidden [act]. The verses Lev. i. 7 or Judges xv. 14 show that bringing together fire and fuel is not actually kindling fire, and this refutes Sa'adyāh's opinion that, whenever the words *ביעור*

¹ See the January number of this Journal, p. 229.

and **ש** stand together they do not mean burning. Another proof is given in Exod. iii. 2.

The case of Judges xv. 4 is similar. Samson did not burn the crops directly, but the deed is attributed to him, he having initiated it. Sa'adyāh is mistaken in assuming that the subject of **וַיִּבְעַר** is the fire, and that the whole question is one of gender, as can be gathered from Num. xxi. 28. He might be forgiven his mixing up of the genders, but *this individual* has overlooked the fact that the words in question refer to the fire [and not to the person]. In the verses Judges xv. 4-5 all verbs refer to Samson; for if there were another subject (viz. fire) this must have been mentioned according to the rules of syntax.

Proceeding, Yefeth quotes "letter by letter" another passage from Sa'adyāh's commentary which is not in the fragment, and which runs as follows: "The verse Exod. xxxv. 3 is grossly misconceived by the heretics who apply [the prohibition] it [contains] to a light which is prepared on Friday for the Sabbath. None of them is aware of the fact that the reason given by the Tōrāh for prohibiting work on the Sabbath is rest, according to Exod. xxxiii. 12 and Deut. v. 14. *Rest* only applies to living beings, and therefore man and beast are spoken of. It does not, however, apply to elements as fire, water, air, and earth; nor have rest or fatigue any bearing on utensils. For the same reason the Tōrāh does not impose upon us any responsibility for what our maidservant does, nor for the working of certain substances which we use. This is a great principle which we should bear in mind. People, however, overlook it, and think that the prohibition of work on the Sabbath entails a state of absolute passivity. You will, therefore, find them continually and unanimously saying, that work commenced beforehand is completed on the Sabbath [and is therefore forbidden]. We answer: What matters this completion when every living person is at rest? *Q.E.D.* If it were clear that an indirect effect be equal to a direct action performed by a human being our

sect could see no harm in it, because we do something which is not forbidden."

In reply to this remark Yefeth, in his turn, charges Sa'adyāh with error and heresy. Qaraïtes are not ignorant of the reason given by the Tōrāh. The words למען ינוח do not stipulate that the term שבתה has no other reason than הנחה. The Tōrāh often gives only one reason out of several, e.g. Lev. xxiii. 43; Deut. xvi. 3, xi. 21. If a person is honoured for his learning there may still be other reasons for such honour. Possibly the Tōrāh only mentioned the one reason, למען ינוח, as an allusion to direct action, whilst leaving indirect effects unexpressed. The term הנחה, far from being applied to living beings exclusively, also refers to inanimate things, as can be seen from Zech. v. 11; Ezek. xl. 42; xlii. 14, and, if he refuses to accept these, from Gen. viii. 4. *This man*, however, does not care about the true meaning of such a word in the Bible. If the verse Exod. xx. 11 refers to indirectly created beings, why should not Deut. v. 14 also comprehend indirect work? This forbidden work is parallel to a partnership with a Gentile who sells and buys on the Sabbath. Any gain accruing from it is forbidden. Exod. xvi. 23 entails a sabbatical prohibition. If any one lights a fire on Friday and puts his pot on it, and then sits down to rest whilst the food is cooking, he renders such a thing permissible in spite of his knowledge of למען ינוח. This contradicts the verse just quoted, but *that individual* overlooks this as well as the verse Exod. xxiii. 12 and Deut. v. 14, since his explanation of למען ינוח does not achieve his desire to free indirect work from prohibition. Tradition forbids the leaving of water under a lamp, lest a spark fall into it and become carbonized, which is as much indirect work as the sprouting of a seed thrown down which has become moist—how can that be reconciled with למען ינוח? Praised be God for the manifestation of the truth.

Fol. 70
recto.

Quoting the passage in the fragment dealing with

Deut. xxv. 4, Yefeth points out that the preposition כ in ביום השבת as well as in ברישו has retrospective power. As the muzzling of the ox before threshing is not permitted, in a like manner the kindling of fire on the Sabbath eve is prohibited. Sa'adyāh is wrong in assuming that we reckon one action analogous to two, because Qaraites consider the kindling of fire parallel to the muzzling of an ox only, but not to threshing as well.

Yefeth now deals with Sa'adyāh's criticism of the Qaraites' interpretation of Lev. x. 9. Sa'adyāh is again wrong (he says) because the Tōrāh makes no mention of mental confusion. Intoxicating drink is simply forbidden [to the priest]. It would have been quite as easy to say that a confused mind is forbidden by law when entering the sanctuary, but not prior to this. The words להבדיל ולהורות have nothing to do with "entering the sanctuary." Cases in which the reason for a commandment in the Tōrāh is not mentioned together with it, but at a different place, are many.

The next quotation from the Sa'adyāh fragment is the one on Exod. xxi. 33 and xxii. 5. Yefeth charges Sa'adyāh with no less than *four* errors: (1) Sa'adyāh finds a reason which is not given in the Tōrāh; (2) He applies analogy whilst forgetting his own treatise against this method; (3) The Tōrāh says, *He that kindleth the fire shall surely make restitution* (ver. 5), but does not add, *because he has not guarded it*. "What can one say to a man who forsakes the word of God and invents reasons of his own which are not mentioned in the Tōrāh?" (4) The Tōrāh calls him who kindles the fire guilty, although he is so but indirectly, on account of the beginning of ver. 5. The verse Exod. xxxv. 3 likewise speaks of an indirect act.

In Sa'adyāh's anti-Qaraite interpretation of Lev. xxx Yefeth finds *two* errors. (1) Verse 4 forbids sowing in the same way as the kindling of fire is forbidden on the Sabbath. The Qaraite analogy is therefore correct. (2) The preposition כ is used in both cases [with retrospective effect],

“but *this man* continually makes differences where there are none, and [finds reasons] where there are none in order to defeat his opponent. We have, however, quoted his refutations, showing up the weak points and the defects of the same.”

After this Yefeth proceeds to answer the other questions mentioned above, but as only those passages which deal with the Sa'adyāh fragments concern us we abstain from entering further into his discussions. Incidentally they furnish a good example of Qaraite arguments and methods, and their comparison with the terse and businesslike manner of Sa'adyāh. In the reproduction of Yefeth's text quotations from Sa'adyāh are overlined, whilst the passage which is not in the fragment is, line for line, marked by asterisks (see Supplement).

II. The *second leaf* begins with the translation of Exod. xxxvi. 27-34, showing some few variations from the printed text. In illustration of this group (beginning verse 20), as well as of the preceding ones, viz. vv. 8-13 and 14-19, Sa'adyāh gives an explanation of the Mishnāh, *Middōth*, IV, 6-7. This explanation, which unfortunately suffers from the defective condition of several passages, is characteristic of Sa'adyāh's thoroughness and mastery of detail. A reference to 1 Kings vi. 5 establishes the fact that he composed a commentary on this book. The remark that the measurements of the sacred edifice are not given in the Bible and must, therefore, be supplemented from the Mishnāh evidently turns its point against the Qaraites. An interesting comparison, both from the literary and linguistic points of view, is offered by Maimonides' interpretation of the same paragraphs of the Mishnāh¹.

T-S. 20, 159.

Fol. 1 recto. קולה בכל מין [צע] יעני אלעמארע אסתקאם אן יוכתב דלך פי אלמצה
לילא יתוהמו אנהא שריעה ונבת עליה [א] במצר ופי אלבר ואמא ענר

¹ See J. Fromer, *Maimonides Commentar*, zum Tractat Middōth, Breslau, 1898.

דכולהם אלבלד פלא אר לם יכון קאל להם ב פלדלך זאר
 בכל מו[צע] וכולך תחרים אלשחם ואלרם הו מע אלקרבנות
 פלילא יטנו אנא לא ילזמהם אלא פי אלמדבר פלדלך זאדהם בכל מוצע
 וכד[לך] שעל אלנאר פי אלסבת ללכבו ואלטבך ואלסראג לא יחסבון
 אנה שי ילזמהם מע אלמן אר הו מכתוב מעה פאדא אנקטע אלמן לם
 ילזמהם פלדלך זאר בכל מוצע ואקול אמכן אן יכון לדלך קאל פי אלמן
 איצא אל ארץ נושבת: ומנהם מן תעלק עלינא בטריק אלקיאם פאתגהו
 פי גהאת שתי פאלמקדם אולא אבטאל אלקיאם פי אלשראיע אלסמעיה
 ודלך במא רדרת בה עלי מדעייה פי אלכתאב אלדי אלפתה לה: תם
 גרדת ואחרה ואחדה מן אלמצוות אלתי תעלקו בהא ליקיסו אלסראג
 עליהא פקלת ולו סלמנא אלקיאם לכאן קיאסהם הדא פאסדא וצמנת
 דלך גזוא מפרדא להדא אלבאב פאלדי ער[צת] . . . אולא תעלקהם בקול
 אלכתאב לא תחסום שור בדישו וקולהם וכמא לא תגזו אלחסימה מן קבל
 כדאך לא יגזו אלביעור מן קבל וקלת אנה מן אקאם פעלא ואחדא עלי
 פעלין אכטא אלקיאם פאלבעור פעל ואחד מן אלאנסן ואלחסימה ואלדישה
 פעלין מן אלאנסן: תם ערצת בער דלך תעלקהם בקו אך ביום הראשון
 תשביתו שאר וריאמהם אן יעטל אלאשעאל מן קבל אלסבת כעטלה
 אלכמיר קבל ביום הראשון פחררת וקלת אן פי אלכמיר פסוק אכד
 ימנעה מן יום ראשון: ויקול שבעת ימים שאר לא ימצא בב[תיכם]
 פמענאה פי אלוקת באלפסוק אלאול ומן קבל אלוקת באלפסוק אלב .
 ובעו[ר א]ש פליס להא אלא פסוק ואחד פמן אקאם (עלי) ¹ מא לה פסוקין
 לוקתין עלי מא לים לה אלא פסוק ואחד לוקת ואחד אכטא ולם יציב:
 תם ערצת בער דלך תעלקהם בקו יין ושכר אל תשת א וב א בבאכס .
 קאלו ואנתם מקדון אן אלסכר חראם קבל אלביאה איצא פחררתה פוגרת
 אלסכר הנאך מעללא בעלה הי אפסאד אלעקל ואלתמיין אר קאל ולהבדיל
 ולהורות . פאוגבת אלעלה חטר כל מפסד כיף כאן: ובעור אש גיר מעלל
 בעלה פי פסוקה ומן אקאם מא לא עלה מעה עלי מא מעה עלה אכטא
 איצא ולם יציב: בל אלעלה אלתי הו לה וליסת מעה הו למען ינוח עלי
 מא קדמנא | תם ערצת תעלקהם בגראמה משעל קראח גארה תמן גמיע
 מא אחרקה לה וקולהם אנמא לזמה אלגרם לאנה פאעל אלתולד פחררת
 דלך פוגדת אלגרם [אן] לם לזמה לאנה פעל אלאחראק ואנמא לזמה
 לאנה לם יפעל אלחפט ודלך [נטיר קול אלתורה פי אלשור ו]לא ישמרנו .

Fol. 1
verso.

¹ to be deleted.

ופי אלבור ולא יכסנו כדאך פי אלנאר כי תצא אש[ומצאה ולא] • קיאסא
עלי מא תקדם ועלי מא שרחת פי פרשה ואלה המשפטים פ[כ]מא ג[רם]
רב אלתור ורב אלביר לאנהמא לם יפעלא אלחפט כדאך צאחב אלנאר
יגרם לאנה לם יפעל אלחפט:

וערצת בעד דלך תעלקהם בשנת השמטה פיקולון כמא אנה מחטור אנ
יזרע פי אכר אלסנה אלסאדסה ויסתנבת פי אלז כדאך מחטור אנ ישעל
פי אכר אליום אלז ויסתבקא פי אלז: פחררת דלך איצא פוגדת אלשביתה
פי אלש[מ]טה מצמומה אלי אלארץ לא אלי אלנאס ולדלך הרם
אלאסתנבאת עלי כל חאל ווגדת אלשביתה פי אלסבת מצמומה אלי
אלנאס לא אלי אלנאר ולא גירחא ולדלך אדא אסבת אלנאס ואסתראחו
פלא שי בקי עליהם פמן אקאס חטר מצמום¹ אלי אלפאעל אכטא אלקיאס
איצא ולם יציב: וערצת בעד דלך תעלקהם בקול אלכתאב פי אלשעאל
אלדי אשעלה שמשון ויבער מגדיש ועד קמה ועד כרם זית ואנה קאל מי
עשה זאת ויאמרו שמשון חתן התמני: פוגדת הדא קול פלשתים לים הו
קול נבי ולא ולז פימכן אנ יכון פלשתים כאנו ירון אנ אלתולד פעל
אלמכתרי עלי סביל אלכטא מנהם או אלתעצב כמא ראינאהם חכמו עלי
חמו שמשון ווגתה באלהרק פאחרקוהמא באלנאר כק פי אכר אלפסוק
ויעלו פלשתים וישרפו אתה ואת אביה באש • פלעמרי מן חכם במתל
הדא אלהכם אלמכאלף ללמעקול ואלמכתוב סבילה² פמא קולך פי מן
יקתאד בחכם אלכפאר והו³ • והמוה חכם אלנביא:

תם ערצת תעליקאת אכר להם ושרחת בטלאנהא (הם)⁴ פי דלך
אלכתאב: תם קלת ולנא אנ נקול אנ אלתורה למא קסמת חכם אלתולד
פגעלת בעצה מקאם אלבטש בקולהא ומת תחת ידו נקם ינקם • אך אם
יום או יומים יעמד לא יקם לם ימכן מן יחתג בהא בעד הדא אנ יחכם
עלי אלתולד מן ראי נפסה באחד הדין אלחכמין ולכנה יחתאג אלי נאקל
ינקל אליה פי כל באב מן אלתולד כיף חכם אלתורה פיה אהו ענדהא
כאלאול מן הדין או כאלתאני וקלת איצא וכמא חטרת אשעאלא פי וקת
כדאך אמרת באשעאל . . .

Fol. 2
recto.

ולירכתי: ופי מוכר אלמסכן גרבא צנע ו תכאתג: ושני: ות[כתגאן]
צנ[ע]המא פי רכני אלמסכן פי אלזאזיתין: והיו: פצארת מעתדלה מן
א[ספ]ל ו[גמיעא צאר]ת [מעתד]לה [מן פוקה בח]ל[ק]ה ואחרה כדאך

¹ Here are several words missing, probably ^{הזר מצמום} עלי הזר מצמום.

² First and last letters doubtful.

³ מא ?

⁴ To be deleted.

צנע פי] אלרכנין גמיע[המא]: והיו: פצא[רת תמאן תכאתג וקואעדהא
 מן פצה סת עשרה] קאעדה קאעדתי תחת כל תכתגה: ויעש: ו[צנע
 אמ]האגא [מן כשב אל]סנט ה לתכאתג גאנבה אלואחד: וחמשה:
 וכמסה [אמהאג] לתכאתג גאנבה אלחאני וה לתכאתגה אלתי פי זאויתי
 אלגרב: ויעש: וצנע אלמהג אלואסט נאפדא פי וסטהא מן טרפהא אלי
 טרפהא: ואת: ואלתכאתג גשאהא בדהב וחלקהא צנעהא מן דהב מכאנא
 לל[אמהאג] וגשא אלמהאג איצא באלדהב: או הדה אלג פצול ויעשו
 כל חכם ל[ב] ויעש יריעת עזים ויעש את הקרשים הי דאת אלביתין
 אעני בית קדש ובית קדש הקדשים עלי מא שרחת פי מא תקדם: פיגבגי
 אן אצע קבלהא צפה אלבית [ין כמ]א צנעא פי בית שני ומא . . . ש בהמא
 מן הדורחהון(?) ואקול אן אלב¹ [כא]ן זאידא עלי מא פי
 אלמשכן רואק אלדי הו אולה כמא כאן אלבית אלואל וכאנת ממראת
 מחיטה בה כאלבית אלואל כמא שרחנא פי אליציע וכאנת [פון]קה גורף
 ולהא סותר מחיטה וכאן תחתה בנא אצם גיר מנףף מאד מע טולה
 וע[רצ]ה פאדא אנתמעת אטואל הדה אלמוצופאת וערוצהא צאר אלכל ק
 דראעא [ע]ל[י] ק דראעא ערצא מן ונהה וע דראעא ערצא מן ורא[יה] וק
 דראעא רפעה . . . ב . . . וש . דלך מן גהה אלאתפאע אלבנא אלאצם ו
 אדרע ורפע אלבית מ דראע ודראע כור ודראע[י]² בטן ודרע סקף
 ודראע פרש ורפע אלגורף איצא מ דראע ודראע [כור ודראעי] בטן
 ודראע סקף ודראע פרש וג אדרע סותרה ודראע האבס [אלטיר ד]לך ק:
 ואד למ ינן דלך פי אלמקרא אצט אללי נצה פי אלמשנה פגא
 פיה[קו]ו[ו]ההיכל מאה על מאה על רום מאה האוטם שש אמות וגבהו
 ארבעים אמה ואמה כיור ואמתים בית דלפא ואמה תיקרא ואמה מעזיבה
 ושלוש אמות וגבהן של עליות ארבעים אמה ואמה כיור ואמתים בית דלפא
 ואמה תיקרא ואמה מעזיבה ושלוש אמות מעקה ואמה [כ]לא עורב:
 ותפסיר אוטם אצם כקול [אטם] אזנו: ותפסיר [כיור] כמא פי אלתרגום
 האנא יתיב בביתה דמטלל בכיורי ארויא: ותפסיר בית [ד]לפ[א] . . .
 אלא[וד]לאף: ושרח כולא עורב האבס אלאטיאר אלא תקום עלי סטח
 אלקדם . . . דלך אלדראע . . . ל . . . ל . . . ל . . . ל . . .
 לארתפאע מן . . . ה וגירה פיראהא אלטאיר פיהוב לילא
 ק ע אלאבא לכופהם מן לא יסתחקו דלך במע . . . ה
 נס . . . ו . . . אלטול מן אלמשרק אלי אלמגרב ק דראעא . . . האוט

Fol. 2
verso.

¹ Perhaps אלדי.

² This should be dual on account of original אמהים.

אלרואק ה' ואלרואק יא' וחאיט אלבית ז' ובית הקדש מ' דראע ודראע
מכאן אלפרכת ובית קדש הקדשים ז' וחאיט אלבית ז' ואלממ"ד ז' וחאיט י' ל
י' תי' ה' פדלך ק': כמא[נצ]ת אלמשנה איצא: מן המזרח למערב מאה
אמה כותל האולם חמש והאולם אחד עשר כותל ההיכל שש ותוכו
ארבעים אמה וא' טרקסין ועשרים אמה בית קדש הקדשים וכותל ההיכל
שש והתא שש וכותל התא חמש: ותפסיר טרקסין [ב]נא דקיק בין
אלביתין כאלבראסתג [ער]ץ [אלבית מן ור]אה ליס הו' אלא ע' [דר]אע
פקט אכדת מן ג' י' מה באל[שמא]ל [א]לי י' אלגנוב כחאיט אלזקאק
ה' ואלזקאק ז' וחאיט אלממ"ד ה' ואלממ"ד ז' וחאיט [א]לבית ז' וערצה ז'
וחאיט אלבית ז' ואלממ"ד ז' וחאיטה ה' ומוצע אנחדאר אלמא ג' וחאיטה
ה' וכדי נצת אלמשנה איצא: מן הצפון לדרום שבעים אמה כותל המסיבה
חמש [והמסב]ה ג' כותל התא חמש והתא שש כותל ההיכל ז' ותוכו עשרים
אמה כותל ההיכל שש והתא ז' כותל התא ה' ובית הורדת שלוש אמות
והכותל חמש אמות: וי' ה' מן ונהה ערצה ק' דראע לאן אלרואק אוסע
מנה ל' דראעא ה' מן [נהה] אל[שמ]אל וה' מן נהה אלגנוב כמא נצת
איצא והאולם ע[וד]ף עליו חמש עשרה [אמה מן] הצפון וחמש עשרה
אמה מן הדרום וההיכל צר מאחריו ורחב מלפניו וד[ומה] לארי: פאן
קאל קאיל פקר קאל פי ספר עזרא רומה אמין שתין פתיה אמין שתין י'
קולנא יסתקים אן יכון הו' אלדראע דראעא אכתר מן אלתי מסחנא
בהא ועלי מא שרחנא במדה הראשונה פי מא תקדם: תם וצף צנעה
אלסגף פקאל ויעש: וצנע אלסגף מן סמנגון וארגואן וצבג קרמו ועשר
משזור צנעה חאדק [צודאצמי]א: ויעש: וצנע סתר לבאב אלכבא מן
אסמנגון וארגואן

TRANSLATION.

Fol. 1 . . . the words "in every place" include the whole inhabited world.
recto. It is proper that these words are found in connexion with the un-
leavened bread, but the people imagine that this law was only binding
for Egypt and the desert, and not after their entry into the [holy]
land, because the words [.]² are not added. Therefore the
words "in every place" are used instead. The same is the case
with the prohibitions of fat and blood (Lev. vii. 24-28), which are
mentioned in connexion with the sacrifices . . . lest they imagine
that the prohibitions only applied to the desert. For this reason the

¹ We should expect here אלכמר.

² Here are probably the words במקום אשר יבחר to be supplied.

words *in every place*¹ are added. The same is the case with the kindling of fire on Sabbath for the purpose of making bread, cooking, and lighting. They should not think that this law was binding for the Mannah, because it was used in connexion with it (Exod. xvi. 23), and not only after this had been stopped. For this reason the words *in every place* are added. In my opinion it is probably on this account that the words *to a land inhabited* (ibid. 35) are written. Some of them (the Qaraïtes) contend with us in a speculative way, presenting various views. The first thing to do now is to refute speculation in matters of traditional laws. This I did in the treatise which I launched against the defender of speculation. I, then, investigated each single commandment to which they attach their criticism in order to find an analogy in it for the prohibition of light [on Sabbath]. In my opinion, even if we admit such similarity, it is pernicious. I therefore insert a detailed discussion in this chapter. My first objection deals with the following deduction which they draw from Deut. xxv. 4. "Just as muzzling the ox is forbidden [before the threshing begins] so is kindling a light forbidden [even before Sabbath was begun]." My answer is that he who makes a single action analogous to a twofold one errs. Kindling fire is a single action, but muzzling and threshing are two actions. In their conception of Exod. xii. 15 the Qaraïtes see an analogy between the prohibitions of kindling fire on Sabbath eve and leaven on the eve of Passover. On examining this I found that the prohibition of leaven on the first day is contained in yet another verse (ibid. 19); so one verse refers to the first itself, while the other refers to the eve thereof. Kindling fire is forbidden but in *one* verse. To construct an analogy between a law based on two verses and another based on only one verse is a grievous error. Concerning Lev. x. 9 the Qaraïtes taunt us with the admission that strong drink is forbidden before entering the sanctuary. On examining this I found that this prohibition is accompanied by a reason which is expressed in the verses 10 and 11. This version makes the removal of every disturbing element necessary. No reason, however, accompanies the prohibition of fire, and it is, therefore, erroneous to draw a comparison between something that has a reason and something that has none. The reason existing for [the prohibition of fire], but not mentioned simultaneously, is to be found in Deut. v. 14, as has been explained before.

Next I examined the Qaraïte interpretation of the obligation of Fol. 1
a person burning his neighbour's faggots to pay for all the damage verso.

¹ Lev. vii. 26. In his translation of the text Sa'adyāh always uses the words שֶׁנֶּמֶס מִכָּל־מְכַנְנָם.

done, because he is liable for the consequences of the fire he kindled. On examining this point I found that he is not liable for the conflagration, but for not having kept it under control. Analogous cases to this are the opening of a pit and leaving it uncovered (Exod. xxi. 33), and the breaking out of fire (ibid. xxii. 6), as I explained in my interpretation of chap. xxi. The owners of an ox [wont to gore] and a[n uncovered] pit are liable because they omitted to keep watch. The author of the fire is, therefore, liable for the same reason.

According to their interpretation of the "year of release" (Lev. xxv; Deut. xv. 9) the Qaraïtes apply the prohibition of sowing at the end of the sixth year to the kindling of fire on Sabbath eve for the Sabbath. On my examining this I found that the "keeping of the Sabbath" in the year of release concerns the land but not the people. It is unlawful to cut the crops in any case. Resting on the Sabbath I found, however, to concern the people, but not the fire or anything else. When the people are at rest they need not mind anything else. A comparison between these two items is therefore erroneous.

I, then, considered the Qaraïte interpretation of the Biblical report concerning the conflagration caused by Samson (Judges xv. 5 b-6). The words used there are those of the Philistines, but not those of a prophet or the pious [author of the book]. The Philistines probably saw that the fire was the consequence of an originally sinful act on their part, or of zeal. We see that they punished Samson's father-in-law and his wife by burning them, as is related at the end of the same verse. By my life, he who judges so, according to a judgment which is contrary both to common sense and written law, may do as he likes, but what can we say of him who is guided by the opinion of heretics, which they look upon as that of prophets¹.

In my treatise mentioned above I showed the absurdity of various other theories of theirs. We must say that the Biblical law concerning the consequences of an assault (Exod. xxi. 20-21) leaves no room for drawing one's own conclusions from the two decisions. On the contrary, for each case of such importance a tradition as to how the Tōrāh did decide, whether according to the first or the second decision is almost necessary. I also said: Just as the Tōrāh forbade kindling fire at certain times, so it commanded it . . .

Fol. 2 Chap. xxxvi. 27-34.—These three groups beginning with the
recto. verses 8, 14, and 20 refer to the sanctuary and the holy of holies, as explained before. I must, however, first give the description of the way they were constructed in the Second Temple, which, like

¹ The letters of several words are here destroyed, but the general sense is not affected thereby. Before סבילה a word (זילך?) is probably missing.

the First one, had one room more than the Tabernacle, viz. a vestibule in front. This was surrounded by passages, as we explained in our interpretation of יציע (1 Kings vi. 5). Above there was an upper story surrounded by a covering. At the bottom there was a massive foundation, which was as long as it was wide. If the measurements of all the structural parts here described as to length and width are added up they amount to a hundred square cubits frontage, seventy cubits in width at the back, and a hundred in height . . . The following are the measurements as to height: the foundation *six* cubits, the *hēkhāl* *forty* cubits, the plastered wainscot *one* cubit, the grooved beams *two* cubits, the ceiling *one* cubit, the plaster layer *one* cubit. Above this was the upper story again, *forty* cubits high, with the wainscot *one* cubit, the grooved beams *two* cubits, the ceiling *one* cubit, and the layer of plaster *one* cubit. Then came the top railing *three* cubits, and the [iron] object for scaring birds *one* cubit. The sum total of this is a hundred. Since all this is not described in the Bible we must have recourse to the Mishnāh (*Middoth*, IV, 6-7).

The explanation of אֹטֶם is *surdus*, as in Prov. xxi. 13. The Fol. 2 explanation of כִּיּוֹר is given in the Targum to 2 Sam. vii. 2. ^{verso.} בֵּית דִּלְפָּא is the rain gutter. כּוֹלֵא עוֹרֵב means the scarecrow, to prevent birds from sitting on the roof of the sanctuary. It was a cubit high . . . that the birds might see and be afraid of it, lest . . .

The length from east to west was a *hundred* cubits. The wall of the portico was *five* cubits, the portico *eleven* cubits, the wall of the *hēkhāl* *six*, the latter *forty* cubits, *one* cubit space for the curtain, the holy of holies *twenty* cubits, the [other] wall of the *hēkhāl* *six* cubits, the passage *six* cubits, the wall of the latter *six* cubits (*Middoth*, IV, 7).

טֶרֶסְקִין is a narrow structure called *barāstag*¹.

The width [from north to south] was but *seventy* cubits. This was derived from . . . north] to south as follows: The wall of the gallery *five* cubits, the latter *six* cubits, the wall of the passage *five*, the latter *six* cubits, the wall of the *hēkhāl* *six*, and the width of the latter *twenty* cubits. The wall of the same (on the other side) *six* cubits, the passage *six*, its wall *five* cubits, the place where the water descended *three*, with its wall *five* cubits, as is described in the Mishnāh (*ibid.* 7). The front was thirty cubits wider, standing out fifteen cubits on either side, as is also described in the Mishnāh. If an objection be raised on the basis of Ezra vi. 3, the answer is that the cubit [mentioned by Ezra] is longer than the one of which we speak.

Then follows [in the Pentateuch] the description of the manufacture of the curtain in the verses 35 and 37

¹ A Persian word, meaning *brick wall*; cf. Maimonides, l. c., p. 28.

SUPPLEMENT.

Brit. Mus. Or. 2399 (Or. 2471, fol. 7^{vo}–16^{vo}).

EXTRACT FROM YEFETH'S COMMENTARY ON LEV. XXIII. 3.

Fol. 64
recto.

ויגב אן נחבע דלך אלקול פי אלסראג עלי אלוגה אלדי אטלקה
אלרבאנין פנקול אלי מתל דלך קצד בקו' לא תבערו אש בכל מושבותיכם
ביום השבת ונרי אן נדכר סבעה מסאיל פי הדה אלפסוק ונגיב גמהא
אלמסלה אלאולי הל ביעור אש פי גמלה לא תעשה כל מלאכה אם לא
ואלמסלה אלתאניה הל לא תבערו אש אלמראד פיה אלמבאשרה אם
עלי טריק אלתולד ואלמסלה אלתאלתה הל ביום השבת הו ממא יחרם

verso.

פיה מא קד אבתדי | פיה קבל אלסבת ויכון מוגור מע אלסבת או לא
יחרם אלא מא אבתדי בה פי יום אלסבת ואלמסלה אלתאבעה הל
אלסראג ידכל פי בעור אש אם לא ואלמסלה אלכאמסה הל קול בכל
מושבותיכם הו עלי טריק אלתכצין אם עלי רסם אלעמום עלי אלוגה אלדי
אבינה פי אלגואב ואלמסלה אלסאדסה הל הדה אלנהי הו מכצוין פי
אלסבת אם יגב מתל דלך פי גירה ואלמסלה אלסאבעה ען אלעלה פי
תפרידה לביעור אש מן גמלה אלמלאכות פנגיב ען כל מסלה מנהא
פנקול פי גואב אלמסלה אלאולי אן ביעור אש לס יכרג ען קול אללה לא
תעשה כל מלאכה אד הו אחד אלעמאל לא מהאלה ונחן נגיב ען

Fol. 65
recto.

אלמסלה אלז ונדכר אלסבב | אלדי מן אגלה דכרהא עלי אלתפריד תם
אנא נקול אנא וגרנא אשעאל אלנאר כלה לא יצח עלי טריק אלמבאשרה
אלא עלי טריק אלתולד ודלך אן אלדי יקדח אלנאר לים הו משעל ואנמא
יצך אלחגור באלחדיד ואלדי יתולד אלאצטכאך אלדי יקע עלי אלתראק
לים הו אשעאל אלנאר בל הו יתולד ען אלאצטכאך ואלאשתעאל והו פעל
תאלת עלי טריק אלתולד פאדא כאן הדה סביל אשעאל אלנאר אנה
אבדא לא יצה לא עלי טריק אלתולד לס יכן פרק בין אלתולד אלאול
ובין אלתולד אלב פצאר גמענא בין אלנאר ואלפתילה ובינה ובין אלחטב
לים הו ביעור אש אדא תעלקת אלנאר פי מאכולהא וקד ביינא אן אלתולד

verso.

אלאול באלתאני פקד אכטא | אלטריק מן זעם אן פעל אלתולד גיר
מחרם וממא ידלך אן גמע אלנאר ומאכולהא ליסה ביעור אש קד וערכו
עצים על האש ולם יקל ובערו באש העצים וקד איצא כפשתים אישר בערו
באש ידל עלי אן ביעור האש הי חאל אלאחתראק והדה אלנץ ינקין קול

אלפיומי¹ אן קאל אן כל ביעור יקארנה אש אלקצד בה אלי באב אלתאליף
 לא אלי באב אלאהתראק וקד כנא רדדנא עליה איצא פי מא תעלק בה
 מן קול אלכתאב וירא ונהה הסנה בער באש ואורינא אן קֹד בער באש יריד
 בה אלאהתראק ואן קֹד הסנה איננו אכל אנמא הו אכבאר ען אלחאל
 אלתאנייה אלדי כאן אללה עז וגל ירד עויץ מא אחתרק פי אצגר האל והו
 מעני יקום פי אלוהם פאן אפעאל אללה לטיפה אן יכון דלך עלי טֹן משה
 וכדלך נקול פי קול אלכתאב ויבער אש בלפידים | ותמאם אלקול אנה פעל
 עלי טריק אלתולד ודלך אנה קאל וישלח בקמות פלשתים ולם יכן שמשון
 יאתי באלשועלים אלי כל קמה וקמה וכרם וכרם פקד תבת אנה נסב
 אלפעל אלי שמשון אד הו אלמבתדי באלפעל אלאול ובדלך קֹד ויבער
 מגדיש ועד קמה ועד כרם זית הם איצא נסבה אלי שמשון וקד גפל
 אלפיומי¹ פי מא זעם אן קֹד ויבער מגדיש הו פעל מנסוב אלי אלנאר וטֹן
 אנה אנמא יבקא עליה פי דלך באב אלתדכיר ואלתאניית אד לם יקל
 ותבער מגדיש וגאב כמהו¹ כי אש יצאה מחשבון ונחן נדע אלכלאם פי באב
 אלתדכיר ואלתאניית ונתאבעה אליה לכנא נרד עליה מן טריק אללגה עלי
 מא אכר והו אן ויִבְעֵר (so) הו פעל פי גירה אד אלאמר מנה הבער בלי
 לעמרי לו קאל ויִבְעֵר מגדיש ועד קמה לקד כנא נסמח לה פי אלתדכיר
 ואלתאניית ואעלם אנה | לו כאן מנסוב אלי אלנאר כאן יקול אש בוערת
 או אש בוערה פקד גפל הוּא אלאנסאן עמא זעם אן ויבער מגדיש ועד
 קמה מנסוב אלי אלנאר ומן וגה אכר יגב אן יכון ויבער מגדיש מנסוב אלי
 שמשון והו מן נסק אלכלאם ודלך אנה צדר בקֹד וילך שמשון וילכד שלש
 מאות שועלים ולם יקל וילכד שמשון ולא קאל ויפן שמשון ויבקר שמשון
 ואנמא געלהא כלהא נסק עלי וילך שמשון ולו כאן תם פאעל אכר גירה
 לוגב אן ידכר אסם אלפאעל חתי יכרנה ען אלפאעל אלאול אלמדכור
 והוּא קציה צחיחה תגרי פי כל לגה ודלך אן לו קאל קאיל גאנא זיד
 פאכל וקאם ודהב ולא אצאף עלי דלך אפעאלא בתירה לקד כאן כלהא
 מנסובא אלי זיד ולו כאן לעמר ואחד מן הדה אלאפעאל כאן מן אלואגב
 אן ידכר אסמה לינסב אלפעל אליה פקד | גפל איצא פי הוּא אלבאב ולה
 איצא באב אכר גפל פי וטֹן פי נפסה אנה קד אפלג באלחנה והי קֹד פי
 הדה אלקצה חרף בחרף כמא הוּא אנא נחכיה קאל אלפיומי^{*} ופי קֹד לא
 תבערו אש צל כתיר מן (כתיר מן) אלמדבעין ונסבו דלך אלי אנה חצר^{*}

Fol. 66
recto.

verso.

Fol. 67
recto.¹ Or. 247r, fol. 9^{vo} נבירה.

אלסראג מן יום אלגמעה ללסבת וגאב ען גמיעהם אלעלה אלתי נצבתהא *
 אלתוראה לחטר אלעמאל פי אלסבת והי אלמנוחה כקד למען ינוח *
 שורך וחמורך ואיצא למען ינוח עבדך ואמתך ואלמנוחה לא תקע אלא *
 עלי אלחיואן ולדלך נועת אלנאטק וגיר אלנאטק ואמא אלענאצר אעני *
 אלנאר ואלמא ואלהוא ואלתראב פלא תקע עליה מנוחה אלבתה וכולך *
 סאיר אלכלים לא תחתמל אלראחה ואלתעב פלדלך לם תחטר שיא עלינא *
 ממא תצנעה אמתנא ולא בעין אלענאצר אלתי נסתעמלהא | והוא אצל גליל *
 יגב אן תחפטה פי נפסך פתרך אלקום וחסבו אן חטר אלעמל פי אלסבת *
 לחאל אלאנפעאל פי נפסה ולדלך תגדהם ישנעון אברא ויקולון פהודא *
 ינעמל פי אלסבת פנקול ואי שי פי הדה אלנעמאל אדא כאן אלחיואן *
 כלה פי מנוחה והי אלמטלובה פהודא הו אלאצל פלו צח אן אלתולד הו *
 פעל מחין ללאנסאן לם יצר גמהורנא שיא אד יכון הו פעלנא וליס *
 במחטור * הודא פצל מן כלאמה וגרצה פיה אן אללה קאל למען ינוח עבדך
 שורך וחמורך למען ינוח עבדך ואמתך וזעם אן הודא אללגה יעני לשון
 הנחה לא תקע אלא עלי אלחיואן ואן כל מא כאן גיר חיואן לא תקע עליה
 ואמר אלנאס בחפט הדה אלנכתה אן ביעור אש ואלנעמאל לא וקע
 עליה הנחה והודא גפלה איצא אנה יקאל לה אמא קולך קד | צל אלמברעין
 פסיבין¹ ענר איצאחנא אלרד עליה אנה הו אלצל ואלמברע ואמא קד אנה
 גאב ענהם אלעלה אלתי נצבתהא אלתוריה פאלאמר בכלאפה ודלך אן קול
 אללה למען ינוח ליסת הי תקטע עלי אן ליסת ללשביתה עלה גיר אלהנחה
 ודלך אנה קד יכון לשי ואחד עלל כתירה פיעמד אלנין אלי עלה ואחדה
 ידכרהא נטיר דלך קד למען ידעו דורותיכם וליס פריץ אלסכב יגב להדה
 אלעלה פקט ואנמא הי אחדי אלעלל וכדאך קד למען תזכר את יום צאתך
 ופריץ אלפסח לה עלל אכר גיר אלכרוג וכדאך קד פי אלפריץ באסרה
 למען ירבו ימיכם וימי בניכם ולא מחאלה אן ללפרוץ גזא דניאניי וגזא
 אנרי גיר למען ירבו ימיכם ומן הדה אלגנס מתסע פי אלכתאב וכולך
 יסתעמל אלנאס פי כלאמהם פי קול אלקאיל אכרם פלאן לאנה עלם וקד
 יגב אכראמה | איצא למעאני אכר אמא לחסב ונסב ואמא לדין פליס
 מסתחיל אן יכון קצר אלכתאב עלי בעין אלעלל פדכרהא פיכון אלעמל
 אלדי הו מן אלאעמאל אלמבאשרה קיל פיהא למען ינוח באלנין ואלנעמאל
 אלמתולדה לם ידכר עלתהא תם יקאל לה לם זעמת אן לפטה הנחה לא
 תקע אלא עלי אלחיואן לא גיר וקד וגדנאהא תקע עלי אלגמאדאת איצא

¹ overlined. פִּיטֵב.

מן דלך קו פי אלאיפה והניחה שם על מכונתה וקאל ויניחו את הכלים
 ושם יניחו בגדיהם פאן לג וקאל אן הוא פעל פי אלגמאר ואנמא יגב אן
 תורנא¹ אמר פי נפס דלך אלשי קיל לה הוא אמר גיר לאזם לאנה
 לא יקול ויניחו את הכלים אלא ויצח פיהא הנחה ומע דלך פאן קולה
 ותנה התבה ידפע הוא אלמטלבה לכן הוא אלרגל גפל ען חקיקה הרה
 אללפטה פי דוראן אלכתאב תם יקאל אעמל עלי אן לא יקע | לפטה
 מנוחה עלי גיר אלחיואן אי שי יפידך הוא אלקול הל כצומך יקולון אן
 אלאעמאל קיל פיהא אנה יגב אן תנוח פכאן הוא אלקול ירד עליהם תם
 יקאל לה אליס קולה פי אלכאלק גל גלאלה וינח ביום השביעי פי גמלה
 דלך אלאעמאל אלמתולדה מתל שרין המים ושרצי הארץ ואלעשבים פלם
 לא כאן איצא קולה למען ינוח עבדך ואמתך יצם פיה אלאעמאל
 אלמתולדה תם יקאל לה אליס האנא אעמאל מחרמה פי אלסבת ואליס
 תם בטש כמן לה שריך גוי יביע וישתרי ויחצל לה אלרבה ואלכסארה
 ולא שך פי אנה חראם ואיצא קול אללה את אשר תאפו אפו הו מחרם
 פי אלסבת פמן אשעל אלנאר פי יום אלגמעה ואנצב אלקדר עלי
 אלדאגראן וטרה אלחואן פיהא וקעד הו מסתריה וכאן אלטביך הודא ינטבך
 פעלי מוצוע עלמה פי | למען ינוח דאך גיר מחרם והוא ינאקן קול אללה
 את אשר תאפו אפו וקד גפל הוא אלאנסאן ען הוא אלמעני איצא תם
 אן קול אללה למען ינוח שורך וחמורך למען ינוח עבדך ואמתך כמוך אנה
 הו מקול פי נפס אלעבר ואנמא קאל כמוך פי באב ואחד מן אלאעמאל
 פעלי גמיע אלוגוה אן תאבענאה פי תפסירה למען ינוח לם יתבת לה מא
 ראם אלי אתבאתה מן אכראן אלחולד ען אלתחרים פי אלסבת תם יקאל
 לה אן אתארך קד חרמת פי אלסבת הרך אלמא תחת אלסראן לילא
 תקע שרארה מן אלפתילה פתנטפי ותציר פחמה אפליס הוא תולד וחרם
 פי אלסבת וכדלך חנטה תטרה ווקע עליהא אלמא פתנבת פהוא קולהם
 פאין למען ינוח פי הוא ונטארהא תם יקאל לה אדא גאז אן יכון אלאנסאן
 פאעל והו גיר באטש ואן יכון ינוח | בחית לא יתולד דלך אלפעל פהוא
 לא ינכרה מן פיה פהם וקד תבת מא תצנעה אמתנא בנקן מא קאלה
 ואלחמד ללה עלי טהור אלחק תם קאל מן בעד הוא פי אלרד עלי מן
 אקאם לא תבערו אש בקו לא תחסם שור בדישו וקולהם וכמא לא יגוז
 אלחסימה מן קבל כדאך לא יגוז אן יכון אלביעור מן קבל וקלת אנה מן
 אקאם פעלא ואחדא עלי פעלין אכמא אלקואם פאלבעור פעל ואחד מן

Fol. 69
recto.

verso.

Fol. 70
recto.¹ Or. 2471 תורנא.

אלאנסאן והוא אלקול איצא מנה גפלה ולבסה ודלך אן כצומה אחתנו
לקול אללה ביום השבת בחרף ביי מתלה פקאלו אן קו ביום השבת יריד
בה לא תדכל אלסבת ותם ביעור אש מתל קול אללה לא תחסם שור
בדישו אלדי יריד בה לא יכון אלתור פי דיאסה מכטום פקד וגב מא
קאלוה ויגב אן תעלם אן לים הוא קיאס מעאני | ואנמא הוא אסלך לגה
verso. פקד אתי בנטירה פכמא אן אלחסימה לא תנוז קבל אלדישה כדאך ביעור
אש לא ינוז קבל אלשבת כמא לא ינוז פי אלשבת וקו אן מן אקאס
ביעור אש עלי אלחסימה פקד אכטא אלקיאס פקד טלם הוא אלרגל
נפסה בדיא לאן אלקיאס לם יקם אלביעור באלחסימה ואלדישה גמיעא
ואנמא אקאס אלביעור באלחסימה פקט וגעל בדישו מקאס ביום השבת
ווגה אכר והו אן אלביעור ואלחסימה פעל אלאנסאן כן לא תבערו אש לא
תחסם שור בדישו ואלדישה מנסובה אלי אלשור כמך בדישו פקד טלם
פי קו אנה אקאס פעל בפעלין פקד גפל פי הוא אלבאב איצא תם קאל
בעד הוא אלכלאם אל היה אלסטור אלדי נחביהא חרף בחרף ערצה

Fol. 71
recto.

בעד דלך תעלקהם בקו אך ביום הראשון השביתו | שאר ורואמהם אן
יעטל אלאשעאל מן קבל אלסבת כעטלה אלכמיר קבל ביום הראשון
פחררת וקלת אן פי אלכמיר פסוק אכר ימנעה מן יום הראשון ויקול
שבעת ימים שאר לא ימצא בבתיכם פי אלוות באלפסוק אלאול ומן קבל
אלוקת באלפסוק אלתאני וביעור אש פלים להא גיר פסוק ואחד פמן
אקאס עלי מא לה פסוקין לוקתין [עלי] מא לים לה אלא פסוק ואחד
ווקת ואחד אכטא ולם יצב אעלם ארשדך אללה אן גלטה פי הוא
אלבאב עגיב גדא ודלך אן קול אללה אך ביום הראשון הוא כלאם פי נפס
אלאול מן קו יאיאם וקו שבעת ימים שאר לים הוא דלאלה עלי קבל
אלשבעת ימים כמא אן לים פי קו שבעת ימים תהיה בנדתה דלאלה עלי
וגוב קבול אלטמא קבל אלשבעת ימים תם לא תאבענאה עלי דלך
מתאבעה נטר לא מחאלה | אן אליום אלאול דכל פי נין שבעת ימים
verso. שאר עלי ראייה פלא פאידיה לדכרה אלנצין ולו בחת נעמא לעלם אן קול
אללה אך ביום הראשון הוא כלאם פי אליום אלאול פקט וקו שבעת ימים
שאר אנמא הוא תעלים פי גמלה אלד אד אלנץ אלאול לם ידל עלי דלך
וכצום הוא אלרגל קד אקאסו נין ואחד בנץ ואחד פי נפס מוצע אלמנאזעה
והו קו ביום השבת מתל קו ביום הראשון פקאלו כמא יגב שביתת שאר

קבל רכול יום ראשון לילא יכון שאר מונוד מע אולה כדאך קול אללה
 ביום השבת הם כדאך ירד מנא אלא נשעל אלנאר קבל אלסבת לתכון
 מונודה מע אול אן מנה וקאל בער הדא תם ערצת בער דלך העלקהם
 בקו יין ושכר אל תשת אתה ובניך אתך בבאכם קאל ואנתם מקרון אן
 אלסכר מחרם קבל אלביאה איצא פחררתה פונרת אלסכר הנאך מעלול |
 בעלה הי אפסאר אלעקל ואלתמיין אד קאל ולהבריל ולהורות פאונבת
 אלעלה חטר כל מפסר כיף כאן וביעור אש גיר מעלל בעלה פי פסוקה

Fol. 72
recto.

ומן אקאם מא לא עלה מעה עלימא מעה עלה אכטא איצא ולם יצב
 בל אלעלה אלתי הי לה וליסת מעה הי למען ינוח עלי מא קדמנא אעלם
 אן הדא אלפצל מן כלאמה קד גלט פיה גלטה ביינא והו דעואה אן אללה
 געל ללסכר תעליל והו אכתלאט אלעקל ואלתמיין וליס פי אלנין שי מנה
 בל שרב קרח ואחר ומא דונה חראם פלם זעם אנה נהי מעלול תם אנה
 לו סלמנא אליה דלך לם ינתפע בה אד לם יפרק פי נפס אלעלה ודלך
 אנה אדא כאן אלסכר הו אלמחרם ואכתלאט אלעקל פלם ירד אלנין
 אלא בבאכם אל אהל מועד ומא אלפרק בינה ובין מן קאל לה אן אלנין
 חרם אכתלאט אלעקל מע אלדכול | ולם יחרמה קבל אלדכול ואמא תעלקה

verso.

בקו ולהבריל ולהורות פליס לה מא מדכל פי בבאכם אל אהל מועד ואמא
 קד עלה מדכורה מעה ועלה ליסת מדכורה מעה אן כאן גרצה פי דלך אן
 אלעלה אלמדכורה מע אלנין תכאלף אלפרין אלדי דכרת עלתה פי מוצע
 אכר פינבני אן יעלם אן כתיר מן אלפרוין לם תזכר עלתהא מע אלאול
 וזכרת פי מוצע אכר מתל וכל דם לא תאכלו וצרב אכר והו אן הדא
 אלרגל כתירא ממא ירד עלי כצומה באחתגאנהם פי אלתקדים ואלתאכיר
 תם יקאל לה אנך לם תפרק פי נפס אלעלה לאן כצומך אקאסו קול אללה
 ביום השבת עלי בבאכם וקו' עלה הי מעא וצלה ליסת מעא לים הו פרק
 תם יקאל לה אן תעלקך בקו למען ינוח קד תקדם אלכלאם פיה אינפא (so)

תם קאל בער הדא | קאל תם ערצת תעלקהם בגראמה משעל קראח

Fol. 73
recto.

צאחבה אנה גארם תמן גמיע מא אחרקה לה וקולהם אנמא לזמה אלגרם
 לאנה פאעל תולד פחררת דלך פונרת אלגרם לם ילזמה לאנה פעל
 אלאחרתראק ואנמא ילזמה לאנה לם יפעל אלחפט ודלך נטיר קול
 אלתוריה פי אלשור ולא ישמרנו בעליו ופי אלבור ולא יכסנו כדאך קאל
 פי אלנאר כי תצא אש ומצאה ולא ישמרנו קיאסא עלי מא תקדם ועלי
 מא שרחת פי פרשה ואלה המשפטים פכמא גרם רב אלתור ורב אלבור

לאנה לם יפעלא אלהפט כדאך צאחב אלנאר יגרים לאנה לם יפעל אלהפט
 אעלם ארשרך אללה אן קר רדנא עליה פי הוּא אלמוצע יגב אן נרר
 עליה איצא פנקול אן גלט פי הוּא אלפצל בד אשיא אחרהא הוּ וצע עליה
 לם יצעהא אלכתאב אד קאל אן אלגרים לזמה מן אגל | אנה ולא ישמרנו
 ואלב אנה אסתעמל אלקיאם פי הוּא אלבאב וליס הוּ מן מדהבה ונסי קו
 פי הוּא אלפצל קבל הוּא פאלמקדם אולא אבטאל אלקיאם פי אלשראיע
 אלסמעיה ודלך כמא רדת בה עלי מדעייה פי אלכתאב אלדי אלפתא לה
 פמן כאן הוּא קו פי אבטאל אלקיאם פי אלשרע פלם אקאם כי תצא אש
 עלי וכי יפתח איש בור ואלג הוּ אן אללה קאל שלם ישלם המבעיר את
 הבערה ולם יקל אשר לא ישמרנה פמא יקאל פי מן תרך נין כתאב אללה
 ואבדע מן נפסה עליה לם יצעהא אלכתאב ואלד הוּ אן אללה סמאה
 מבעיר באלתולד לקו כי תצא אש פקול אללה לא תבעדו אש הוּ איצא
 באלתולד תם קאל וערצת בעד דלך תעלקהם בשנת השמטה פיקולון
 כמא אנה מחטור אן יזרע פי אכר אלסנה אלסאדסה ויסתנבת פי
 אלסאגעה | כדאך מחטור פי אן ישעל פי אכר אליום ויסתבקא פי אלז
 פחררת דלך איצא פוגדת אלשביתה פי אלשמטה מצמומה אלי אלארץ לא
 אלי אלנאם ולדלך חרם אלססתנבאת עלי כל חאל וזנבת אלשביתה פי
 אלשבת מצמומה אלי אלנאם לא אלי אלנאר ולא אלי גירהא ולדלך אדא
 אסבת אלנאם ואסתראחו פלא שי בקי עליהם פמן אקאם חטר מצמום
 אלי אלפאעל אכטא אלקיאם איצא ולם יצב הוּא אלפצל איצא גלט פיה
 מן ונהין אחרהמא הון אן אללה קאל שרך לא תזרע וכרמך לא תזמר
 פקד נהאנא ען אלזראעה פי אלשמטה כמא נהאנא ען אלביעור פי אלסבת
 פליס בינהם פרק פי הוּא אלמעני פאקאסו קיאם צחיה וליס יקום
 אלפאעל באלמפעול כמא טן הוּ ואלתאני הוּ אן אלקום אקאסו חרף ביי
 עלי חרף אלבי פהוּא אלרגל אברא יפרק פי | גיר מוצע אלפרק ופי גיר
 אלעלה אלתי אעתל בהא כצמה פקד אתינא באלרדוד אלתי דכרהא
 ואעתלאלהא ואוצחנא פסאדהא ואלחמד ללה עלי טהוד אלחק

HARTWIG HIRSCHFELD.

THE BRESLAU RABBINICAL CONFERENCE¹.

THE third Rabbinical Conference met at Breslau, July 13-24, 1846. The very fact that it was convened in this East Prussian city near the Silesian border was equivalent to throwing down the gauntlet to the opposition to the conferences, much of which had emanated from that section. This opposition was now clearly defined. There was in the first place, as was natural, the rigidly orthodox party, whose opposition had not lessened since the days of the famous protest of the one hundred and sixteen rabbis against the Brunswick Conference; then there was the so-called positive historical school led by Frankel, whose sensational exit from the Frankfort Conference had aroused such notice the preceding year; and, thirdly, the radicals, who were dissatisfied because the Frankfort Conference had not declared against and abolished the whole ceremonial and traditional system².

This combined opposition may have been the reason why a smaller number assembled at Breslau than at Frankfort. In order to cripple the conference, too, Frankel had issued a call for an assembly of theologians to be held at Dresden on October 20, 1846, which meeting, however, never took place.

All this opposition, however, merely served to direct even more attention to this third conference than to its two predecessors, if such a thing were possible, notably as it was known that the deliberations were to be devoted primarily and chiefly to the all-absorbing Sabbath question.

¹ Article VII of the series on "The Reform Movement in Judaism."

² See Geiger, *Vorläufiger Bericht über die Thätigkeit der dritten Versammlung deutscher Rabbinen*, Breslau, 1846.

There were present at this conference: A. Adler, Worms; S. Adler, Alzey; J. Auerbach, Frankfort-on-the-Main; Ben Israel, Coblenz; D. Einhorn, Birkenfeld; S. Formstecher, Offenbach; A. Geiger, Breslau; M. Goldstein, Waren; J. Gosen, Marburg; L. Güldenstern, Buchau; L. Herzfeld, Brunswick; S. Herxheimer, Bernburg; M. Hess, Stadt-Lengsfeld; S. Holdheim, Schwerin; J. Jolowicz, Cöslin; J. Kahn, Trier; M. Levy, Breslau; L. Lövy, Münsterberg; J. Löwengard, Lehren-Steinfels; L. Pick, Teplitz; L. Philippson, Magdeburg; G. Salomon, Hamburg; L. Sobernheim, Bingen; L. Stein, Frankfort-on-the-Main; H. Wagner, Mannheim; B. Wechsler, Oldenburg.

Geiger was elected President; Stein, Vice-President; and A. Adler and J. Auerbach, Secretaries.

In his opening address as chairman of the executive committee, Geiger referred to the increasing agitations in the Jewish communities since last they met; the many signs of re-awakened life on the one hand, and the disturbances of the peace on the other; therefore many a rabbi had been undoubtedly tempted to withdraw from active participation in the conflicts of the time lest he be misunderstood and antagonized. However, they who had assembled again spurned such cowardly retreat and felt in duty bound to search out the remedies for the religious distemper in Jewry. He defined the purpose of the conference, yes, of true reform, finely when he said:—

“The conditions are difficult and confusion in religious affairs appears to be on the increase; despite this, you are in this conference again making the courageous attempt to place the pure, eternal content of Judaism in a form suited to the present, and thus to breathe into it a new and powerful spirit. You wish to convince, to lead to the truth, not to forge bonds and fetters; you know full well that you do not appear here as guardians of consciences, that you have no sovereign power over the inalienable religious freedom of congregations and individuals, nay, you would repudiate such power were it to be offered you,

for true religion can prosper and grow only in the atmosphere of freedom of conviction. Not, then, as spiritual despots are we assembled, but as men who, familiar with the sources and history of Judaism, and anxious for its living preservation both by our inner as well as our outer calling, are fitted by constant attention to passing occurrences and by experiences in office to become acquainted with the needs and to propose remedies to the congregations with whom lies the final decision. Not the cleric stands over against the layman (a distinction foreign to Judaism), but the knower of Judaism, the man who has made it his task to follow up the movements of history and to foster the religious life—such a one seeks to exchange opinions and experiences with his colleagues and thereupon to recommend to his congregation the results of such deliberation and consultation. Our mission is to strengthen the hold of truth and piety, and in such instances where these have become stunted we must seek to burst the crust which has formed about them. This is a *כחירה על מנת לבנות*, a tearing down in order to plant; we shall foster the living and the virile; may the creeper which sucks sap and strength from the tree be uprooted."

The chief interest in the Breslau Conference centres about the Sabbath discussions. Possibly nowhere was the conflict between the commands of rabbinical Judaism and the demands of life so apparent as in the matter of Sabbath observance. The casuistry of Talmudical dialectics ran riot in this field. Thirty-nine chief categories (*ל"ט אבות*) were enumerated in the Mishnah, i.e. important labours that were forbidden, and from these were derived the innumerable *תולדות* or minor tasks that were prohibited likewise. Then there were the many *סייגים* (fences), *מנהגים* (customs), and *חקנות* (enactments), which the Talmudists framed in their anxiety to guard the completeness of the Sabbath rest. The fiction of the *עירוב* demonstrated most forcibly the lengths to which casuistry was driven to maintain a forced system, and the refinement of dialectic

speculation has surely never gone further than in the matter of שבות. As long as the Jews lived in isolated communities such an observance of the Sabbath was quite possible, but when they began to participate in the life of the larger world, the collisions between that life, with its changed industrial, economic, and social conditions, and the hundred and one prohibitions wherewith the Talmud had hedged about the observance of the Sabbath, were constant. It was not long before the question of Sabbath observance became a burning issue in Jewish life; the inadequacy of Talmudism and rabbinism to cope with the situation was more painfully apparent here than anywhere else. To observe the Sabbath as the Talmud and the codes demanded was simply out of the question. Many without scruple disregarded all the traditional enactments concerning Sabbath observance, but there were thousands who were troubled sincerely; the Sabbath had always been one of the basic institutions of Judaism; they desired to observe it; but life was pressing on every side; strict sabbath observance as required by the code and life's demands were apparently incompatible. Was there any method of reconciliation? Could the Sabbath be preserved and the demands of life be satisfied at the same time? Here, if anywhere, the people looked for help and guidance to their religious leaders.

These leaders appreciated the seriousness of the problem which soon assumed a leading place among the practical difficulties that assailed Judaism in the new era, and because the most of them were unable to find any effective solution they hesitated to grapple with it. However, it was too insistent and too important to be disregarded, and notably at gatherings where vital questions of Jewish thought and practice were the topics of the hour¹. Hence Samuel Hirsch

¹ Geiger, *Die dritte Versammlung deutscher Rabbiner: ein vorläufiges Wort zur Verständigung*, Breslau, 1846, p. 7: "This question must be decided if Judaism is to exist on as a lasting influence, and it will be decided if it is kept constantly on the tapis; it must be decided some one way

proposed at the first conference that the collision between life and doctrine be removed by the abolition or alleviation of numerous Sabbath and dietary laws¹. This was at the closing session of the conference, but the subject was too difficult and of too great moment to be taken up at so late an hour. It was therefore resolved to refer it to a commission to report at the following conference. The following members of the conference were elected to serve as this commission: Geiger, A. Adler, S. Adler, Wechsler, and Kahn. The commission reported at the Frankfort Conference, but so much of the time of that conference had been devoted to the discussion of the report of the commission on the Liturgy that it was considered advisable to postpone the consideration of the report of the Sabbath Commission till the next conference, when it was to be made the first order of business. The report of the commission was not unanimous; a majority, Geiger, A. Adler, and Wechsler, signed the report, but the other two members, S. Adler and Kahn, dissented. The majority report was ordered to be printed and distributed to the members of the conference, so as to give them ample time to study it during the intervening year. The majority report² opened with a brief statement of what constitutes the essentiality of the Sabbath idea; in the opinion of the majority of the commission "the Biblical idea of the Sabbath is the celebration of the day; it is a *שבת*, a cessation from the work which marks the other days of the week, different, however, from the rest which is equivalent to complete idleness. The celebration is a consecration of the day (*ענג, ויקרשהו, לקדשו*), and this consecration implies an

or another by a ripe resolution of the community. One of the most essential institutions of Judaism is the day of consecration and rest, and with this Judaism itself must be rescued from the unspeakable confusion and haziness in whose maw the whole religious life is in danger of being swallowed; rescue from this confusion will ensue only when it is exposed vividly in its imperfection and emptiness."

¹ *Protokolle der ersten Rabbiner-Versammlung*, 87, *J. Q. R.*, XVII, 677.

² *Protokolle der zweiten Rabbiner-Versammlung*, 348-57.

abstention from the daily professional and business pursuits. While the prophets place the consecration (*Weihe*) of the day in the foreground, the legislative portion of the Bible lays stress on the prohibition against work (*מלאכה*), and names it *שבת*, rest, the interruption of the daily toil." In the Bible rest from work was commanded in order to make possible the consecration of the self on that day. In the later outworking of the Sabbath conception in Mishnah and Talmud the greatest stress was laid on the necessity of rest. Complete absolute rest was taken to be the essential point in Sabbath observance; hence the scrupulosity of Talmudic legislation on this point, and the prohibition of numberless activities on the ground that, although harmless in themselves, they might lead to an infraction of the commands touching the Sabbath¹.

The report then proceeds to lay down the general principle which the signers say they believe guided the conference in its deliberations, viz. that they must adopt the Biblical point of view, and that individual instances of Biblical legislation may be modified only in case circumstances that gave rise to them have been changed, but that Talmudism is only a stadium in the historical development of Judaism, and that therefore the Talmudical interpretation can lay claim to consideration only when harmonizing with the demands of life. Applying this principle to the case in hand, we must return to the Biblical idea of the Sabbath, which, as in the case with divine truth in general, has eternal validity; while the Talmudic conception, whenever it is not the development of the Biblical idea but contradicts it as well as our own religious consciousness, can lay no claim to consideration. We must then re-emphasize the Biblical idea that the Sabbath is a day of consecration which is sanctified

¹ As will be seen later on, this constituted possibly the sharpest point of distinction in the views of the members of the conference, viz. whether the essential idea of the Sabbath is rest (*Ruhe*) or consecration (*Weihe*).

through our sanctifying ourselves; a day the distinctiveness of which is to be brought forcibly home to us by our ceasing from our daily toil and our special tasks, and giving ourselves to contemplation on the divine purpose of our existence as indicated by Jewish teaching. Hence, no task should be forbidden which conduces towards recreation and spiritual elevation, which serves to lift us out of our circumscribed environment and to arouse in us thoughts of a higher nature. The detailed enumeration of prohibited tasks in the Talmud is characteristic rather of juridical method than of true religious striving. The all-important consideration in this matter of prohibited activity is whether such activity interferes with or furthers Sabbath consecration.

Since then rest is not an end in itself, but only a means towards a higher end, viz. the consecration of the day, and since in our time that consecration expresses itself through divine service, all such activities as are necessary for the furtherance of that service must be permitted.

The commission recommended the following definite programme:—

1. That the conference declare that the members consider it one of their most important duties to work towards the restoration of a worthy observance of the Sabbath.

2. That the conference declare that all such activity as is part and parcel of the daily business or professional vocation is forbidden, while any activity that makes for recreation or spiritual elevation, particularly if it tends to arouse a religious mood, not only does not harm Sabbath observance, but furthers it.

3. That the conference declare that any task which conduces towards a dignified and uplifting public divine service, or which makes it possible for the individual to participate in an edifying service, may be performed also by a Jew. Of such is particularly the performance of music on the Sabbath, both at home and in the synagogue; walking beyond the so-called Sabbath boundary, riding

and travelling if the purpose be not the transaction of business, but the attendance at divine service or some similar high aim. The conference declares the fiction of ¹עירובי תחומין as inadmissible if for industrial purposes, or as unnecessary if for religious purposes; it declares the prohibition to carry things, in as far as this is not done for business purposes, hence also the fiction of ²עירובי חצרות, as abolished.

4. That the conference declares that the observance of the Sabbath may not ignore considerations for the preservation of life and temporal welfare; in cases where life is threatened or is in danger any deed to avert this is permitted, yes, commanded; in cases where the livelihood is at stake non-Jews may be employed, and, if it should happen that the assistance of Jews is absolutely necessary in such instances, the Sabbath may be suspended by them exceptionally.

5. That the conference declare that participation in the welfare of the State is so exalted a duty that the observance of the Sabbath must yield to this in cases of collision. It declares therefore that the soldier is absolved from the observance of the Sabbath if military discipline demands this; it declares that the civil official must perform the duties of his office on the Sabbath if fealty to the State

¹ No one was permitted to go further than two thousand cubits from his dwelling on the Sabbath; by the casuistical provision called *Erube T'chumin* "the mixing of the boundaries," this distance was extended two thousand cubits; by this provision some article could be placed on Friday at the Sabbath boundary, which was thus constituted a new dwelling-point whence to measure a further two thousand cubits.

² According to the rabbinical law nothing was permitted to be carried from one house to another on the Sabbath Day; this prohibition, too, was evaded by a casuistical provision entitled *Erube Chatzeroth*, "the mixing of the courts"; according to this the householders in a court or district were enabled to consider their habitations as a single dwelling, and thus carry things from house to house without breaking the Sabbath law. Both these provisions are instances of the accommodation of the rabbinical enactments to the needs of life, and are evidence of the extreme lengths to which casuistry went for the ostensible preservation of the integrity of the rabbinical provisions.

requires it, provided that he aim to restore the sacredness of the Sabbath in some other way, namely, in his home.

S. Adler, a member of the commission, declared himself entirely at variance with the majority in their conception of the fundamental idea of the Sabbath, and Joseph Kahn, another member, stated his disapproval of some of the recommendations.

As stated, the consideration of this report was deferred to the following conference. The amended report of the commission was presented at the first session of the Breslau Conference. The debate began on the morning of the second day of the session, and continued at intervals morning and afternoon for nine days; every member of the conference expressed himself at greater or less length. I shall attempt to emphasize the more important points elucidated during the debate.

In bringing the subject before the conference Geiger, the chairman, stated that upon further deliberation the majority of the commission had determined upon some modifications in the recommendations submitted at the preceding conference. These modifications arose from the fact that while in the first report the rest through which the consecration of the day was made possible was conceived to be only the cessation from daily toil, the commission regards the abstention from all activity requiring exertion just as necessary if the Jewish conception of the Sabbath is to be realized and the true consecration of the day to be achieved. With this in view the committee had so changed the recommendations as to read as follows:—

1. That the conference declare that attention must be directed to arousing among the people an ever livelier consciousness of the holiness of the Sabbath through the means of a lofty divine service, and that it is necessary for the proper consecration of the day to abstain from all labour, whether it be in the nature of the daily occupation or whether it be an occasional task requiring exertion;

on the other hand, any activity which is not for gain and does not require exertion is permitted.

2. That the conference declare that the celebration of the Sabbath by a worthy divine service is of such supreme importance that no activity, however much exertion it may require, is prohibited if necessary for this purpose; hence, any task which conduces towards dignifying the service or makes it possible for the individual to participate in an edifying service may be undertaken also by a Jew.

3. That the conference declare that any and everything is permitted, nay, commanded, to be done when necessary to avert danger to life.

4. The same as the fifth paragraph in the former report.

The majority of the commission whose views the report reflected, believing that consecration is the essential factor of the Sabbath, naturally laid greatest stress on the matter of divine service. They felt that if the Jew could be attracted to the house of worship this would give the Sabbath that unique place among the days of the week which it was intended to have in Jewish life; by placing greater stress upon the consecration than upon the rest idea they cut themselves loose from the extravagances of casuistry into which the anxiety of having the people abstain from any and everything that even the most refined ingenuity might define as work had led the Talmudical doctors. The commission itself felt that the report was inadequate and was at best only the firing of the first gun in a long campaign, as Geiger stated when, as president of the conference, he made the opening remarks in bringing the subject before the body. Sabbath and holidays, said he, are the bone and sinew of Jewish religious life; our aim must be to restore the sanctity of these days for congregation and individual; this purpose appears in both reports of the commission. "The matter is extremely difficult, for here, if anywhere, a great conflict is apparent between doctrine and life. Lamentations avail not. We must face conditions as they are. Even if

we do not succeed entirely in reaching a solution, let us begin bravely; later conferences will continue what we have begun¹."

A comparison of the original report of the commission to the Frankfort Conference with the amended report handed in at Breslau discloses a wide difference in spirit. The Frankfort report deals boldly with the problem, and attempts to meet the situation by a re-adjustment all along the line of Sabbath observance; the Breslau amendments show a hesitancy to meet the situation face to face, which is absent from the original report. The amended report was due without doubt to the criticisms to which the original report had been subjected during the year intervening between the two conferences. The commission

¹ Sixty years have passed since the question of the collision between Sabbath observance and modern life was discussed for the first time in a public Jewish forum. The passing of time has only aggravated the problem. Sabbath desecration has become more and more flagrant among the Jews, until now it is well-nigh universal wherever the mediaeval and ghetto conditions have disappeared. In the prayers offered in the synagogue God is thanked for the Sabbath, the day of rest, while in the marts of trade at that very hour the Jew is as busy as on every other day of the week, bartering and bargaining. The problem first discussed at Breslau is as far from being solved as ever, unless the suggestion already made at that conference by Holdheim, that the Sabbath be transferred to the civil day of rest, be considered a satisfactory solution. An interesting parallel is afforded by comparing the first public debate on the Sabbath question at this Breslau Conference and the last public discussion of this same question at the meeting of the Central Conference of American Rabbis in New Orleans in 1902, at Detroit in 1903, and at Cleveland in 1905. The same difficulties are presented; the same conflicting opinions are noted; here, as there, the majority cry, "The Sabbath must be saved," but no efficient means for that salvation are offered; here, as there, a small minority declare that a transfer to Sunday will alone save the Sabbath institution for the Jew. Now, as then, it is evident that the weight of Jewish opinion inclines to the conviction that for the Jew there can be no Sabbath except the Saturday Sabbath; but again, now, as then, it is just as evident that the collision between the actual conditions of life and Sabbath observance presents the greatest difficulty in Jewish practice, and that after the lapse of all these years, it is as far as ever, if not farther, from being settled.

took account of the criticisms, and so changed the report as to give satisfaction to none in the end, neither radicals, moderates, nor traditionalists.

Space will not permit the reproduction at length of the arguments of the members of the conference on what is the essential nature of the Sabbath, nor is this necessary. Each one had his own theory of the Sabbath, and many propounded this in great detail. It was regrettable that so much time was devoted to academic discussions of the question and so little to a practical solution of the difficulty. What was desired and required was a way out; the Sabbath was not being observed as a day of rest; thousands were following their vocations—business, professional, industrial; could anything be done to relieve the strain of the situation and restore the Sabbath to the Jew? Geiger, in his *résumé* at the close of the entire discussion, stated that something must be done to preserve the Sabbath, and that the commission's suggestions were made with that end in view, but he confessed that they could suggest no satisfactory remedy that would remove completely the collision between life and Sabbath observance¹.

Auerbach declared in a similar vein: "Our civil day of rest is another than our traditional Sabbath. This constitutes the chief collision. The commission has offered no suggestion how this is to be removed; I have none to offer either²." There were those who, like Salomon, felt that the question had better not have been taken up at all, for no satisfactory solution could be reached. "A very simple idea," he stated, "lies at the foundation of the Sabbath; man, the image of God, shall not toil unconsciously, like the animal, unremittingly, like the slave; he should work

¹ *Protokolle der dritten Versammlung deutscher Rabbinen*, 160; see also *Die dritte Rabbiner-Versammlung: ein vorläufiges Wort zur Verständigung*, p. 4: "I am frank to confess that the results achieved by the Conference towards a solution of the Sabbath problem are small in comparison with the great collisions between Sabbath observance and life."

² *Protokolle*, 13. See also Stein, *ibid.*, 167; A. Adler, *ibid.*, 171; M. Levy, *ibid.*, 172.

from higher motives, viz. religion; he should rest in order that he may learn to know himself and his dear ones, that he may concern himself with spiritual matters in order to further the well-being of life and the spirit. How this simple idea has been spun out by later generations of men! how the institution of the Sabbath has degenerated! what a thousand and one fences have been erected about the Sabbath! Because of these things the deliberations on the Sabbath are the most difficult, and I still believe—despite the splendid addresses that we have heard—that it would have been better to consider the Sabbath a *noli me tangere* and not to have taken it up for the present; for whatever decision we may arrive at will anger one class and be decried as foolishness by another; the former, for whom every inherited folly is holy, will persecute us as though we had stolen their God, the latter, for whom every holy thing is folly, will mock at us if we permit them such things as they have permitted themselves long ago¹.”

In truth, the confession of powerlessness to solve the difficulty on the part of so many able men is a very striking feature of the debate. One feels that the remedies suggested by the members of the commission and others were only makeshifts, temporary supports against the on-rushing avalanche of life which was engulfing all the thoughts and activities of the emancipated Jew. All but one: the remedy proposed by Holdheim that the Sabbath be transferred to Sunday was certainly not a makeshift, whatever else it may be considered to be or not to be; it met with little sympathy on the part of the other members of the conference, but, before giving attention to this one drastic solution, it is necessary to indicate in brief the thoughts expressed on the nature of the Sabbath and the significance of the Sabbath idea.

The question that divided the members of the commission as to whether the idea of rest or of consecration was the essential feature of the Sabbath also lined up

¹ *Protokolle*, III.

the members of the conference on opposing sides. In the course of the debate Wechsler¹, S. Adler², Holdheim³, Herxheimer⁴, Herzfeld⁵, Goldstein⁶, and Sobernheim⁷, argued that the rest is the fundamental purpose of the Sabbath⁸, while Geiger⁹, A. Adler¹⁰, Gosen¹¹, Pick¹², Salomon¹³, Levy¹⁴, and Jolowicz¹⁵, claimed that consecration was that fundamental purpose; Stein¹⁶ and Wagner¹⁷ contended that both rest and consecration were fundamental to the Sabbath idea. The practical outcome of this difference of opinion naturally was that those who considered the rest idea fundamental laid greatest stress on the observance of the day as a time of cessation from all work, while such as claimed the consecration idea to be fundamental contended that the Sabbath observance culminated not in idle abstention from work, but in sanctifying thought and sentiment by worship and prayer. There is no justification in making this broad distinction. There can be no doubt that both rest and consecration are inherent in Sabbath observance; the word שבת (Sabbath) itself means rest, and the resting from toil was to be combined with acts of consecration and sanctification; i. e. the rest was to be used positively to make of the Sabbath a delight, the honourable and honoured day of God, as the prophet declares. Holdheim drew the picture of the development of the Sabbath idea so clearly that his argument may well be reproduced:—

“In the Bible, especially in the Pentateuch, שבת means rest from earthly toil; hence the cessation from

¹ *Protokolle*, 40.

² *Ibid.*, 51.

³ *Ibid.*, 59. Holdheim argued that according to the Mosaic conception rest is the fundamental idea of the Sabbath, but that in the development of Judaism consecration became the positive element of Sabbath observance, and that at present this is the essential feature. See below.

⁴ *Ibid.*, 83.

⁵ *Ibid.*, 103.

⁶ *Ibid.*, 143.

⁷ *Ibid.*, 150.

⁸ So also Samuel Hirsch, *Israelit des neunzehnten Jahrhunderts*, VII, 266.

⁹ *Protokolle*, 87.

¹⁰ *Ibid.*, 77.

¹¹ *Ibid.*, 80.

¹² *Ibid.*, 97.

¹³ *Ibid.*, 111.

¹⁴ *Ibid.*, 145.

¹⁵ *Ibid.*, 155.

¹⁶ *Ibid.*, 118.

¹⁷ *Ibid.*, 125.

usual work and not the active celebration is the chief moment; rest is commanded, but not religious celebration, unless it be the double sacrifice. But 'rest' connotes not only the intermission of all disturbing toil, but also the positive realization of the Sabbath idea through consecration; this positive side is in truth the more important; to find this we must only bear in mind in what the essence of time exists and what God's relation to it is. Time is absolute motion; its birth is also its passing; it is constant change, hence one might say that its being is non-being. Opposed to this essence of time is the being of God as the true existence, יהוה, and at the same time the absolutely constant, unchangeable, immoveable being, i.e. the conception of *rest* as over against motion or restlessness. Therefore if a season is to be considered a season of God (*Gotteszeit*), it must be conceived as a rest-time (*Ruhezeit*). Rest gives it the appearance and character of the divine, and thus imparts to it the higher sanctity. Hence rest is the symbol employed by man to designate the day of God; and in this manner the rest on the Sabbath became an actual recognition of God in his relation to time, a serving of the Eternal in his infinite exaltation over all that is transient, changeable, and vain. It is, however, a mistake to think only of the negative side of the Sabbath conception, viz. the cessation from labour; the Sabbath aims to take man out of the transitory and ungodly, and lead him to true existence and life, to יהוה; hence the Talmud is correct when it defines the rest on Sabbath and holidays, the שבתה as the positive command (מצות עשה) and the abstention from labour as the negative (מצות לא תעשה).

"Since rest is the fundamental idea in the Mosaic conception of the Sabbath, the reason for its institution is connected with the highest and most important things, viz. God's rest after creation, the covenant of God with Israel, and the deliverance from Egypt. The conception of God's resting after creation points to the absolute difference

between God and the world he created, between the Creator and the creature, and accentuates the true meaning of rest as the eternal element over against the mutability of time (see above; Exod. xx. 8-11; Gen. ii. 2, 3; Exod. xxxi. 17).

"The covenant of God with Israel is mentioned as the reason of the Sabbath (Exod. xxxi. 13, 17). The recognition of God as Creator is the revelation of the absolute difference between God and the world; it includes the recognition of his unity and personality as well as holiness; this characterizes the difference between Mosaism and other religions; since the Sabbath in its fundamental idea refers to this revelation, its celebration is the actual recognition of it; he who observes the Sabbath becomes the bearer of the sign of this relation; the non-observance of the Sabbath had to appear as a violation of the covenant and was an actual falling away from the One true God, Creator of heaven and earth; hence it implied idolatry, and therefore the command to observe the Sabbath is joined with the warning against idolatry and backsliding (Lev. xix. 3, 4; Ezek. xx. 16-20; xxiii. 36-9). The deliverance from Egypt is mentioned as the reason for observing the Sabbath in Deut. v. 12-15; this was also conceived as a creative act, the creation of a people. God is called *בורא ישראל*, and the object of this creative omnipotence was the sanctification of the people; hence, there is here the same general idea upon which Sabbath rests in the other cases, viz. creating and sanctifying.

"From all this it grows clear why such stress was laid upon the observance of the Sabbath. Those truths on which the religious and political existence of Israel rested were concentrated in the Sabbath idea, and its non-observance therefore implied the denial of those truths; for this reason extermination (*כרת*) was the punishment for the Sabbath-breaker (Exod. xxxi. 14)." Proceeding with his argument, he proved this from the philosophers and commentators.

Hence traditionally "rest is the symbol or ceremony, and the presentation of the Sabbath idea is intimately

connected with the whole symbolism of the Mosaic law. Therefore all such work is forbidden in the Bible on the Sabbath which disturbs rest; were the celebration the chief moment, as the commission asserts, then only such work would be forbidden as disturbs the celebration; but rest is the chief moment, and everything opposed to it is forbidden.

“In the later historical development of Judaism in the Talmudical era, and in all likelihood in the prophetic age (as seems likely from some hints), there was developed, besides the rest as the negative side of Sabbath celebration, the positive element which aimed at the religious refreshment of the spirit by reading from the law and by divine service. That this involved a conflict between Mosaism, which regarded rest as the chief moment, and a new conception which gave an ethical and moral interpretation to the Sabbath was not recognized, but the two were accepted together; the Sabbath continued to be considered the chief symbol representing creation and all other ideas; the Mosaic Sabbath-rest and the later Sabbath-sanctification existed on together.

“How is it with us? Can we with our modern culture accept the notion of antiquity that the Sabbath-rest in itself implies all these fundamental doctrines of God as Creator, Israel as the covenant people, &c., and that by resting we confess these things and that not resting is equivalent to a denial of these most important religious truths? We must certainly answer No! if we wish to be honest. We have left behind us the symbolic age. A religious truth is significant for us, not because we symbolize it by some ceremony, but because we grasp it intellectually and it becomes a very part of our nature. Hence we cannot consider that he really observes the Sabbath who passes the day in indolent rest, although according to Biblical and later ideas he would be doing so. Rest in itself contains nothing positive, and is significant for us only as the negative condition, and

means making possible the observance of the Sabbath by spiritual uplifting.

"If we ask then what work is forbidden, the answer is easy; as, from the Biblical standpoint, where rest is the chief thing, all activities are forbidden that disturb rest, so, from our standpoint, where the observance (*Feier*) is the essential and rest only a condition, any activity is forbidden that disturbs the observance¹."

In this statement of Holdheim reference is made to the Sabbath as a symbol. On this point, too, some of the leading spirits of the conference differed absolutely; thus Einhorn claimed that throughout the Bible the Sabbath is designated (אות) a symbol; it symbolizes freedom from labour (Deuteronomy) and rest from creation (Exodus) שבת מורה על חרוש העולם; all productive labour must be intermitted; in post-Mosaic Biblical writings the Sabbath is emphasized as the symbol of Israel's holiness as contrasted with the peoples of the world; in the Talmud it is held to be the symbol of creation². Geiger on the other hand declared flatly that the Bible does not consider the Sabbath a symbol³.

Formstecher also contended that "the Sabbath is not a symbol, but an end in itself. Each of the Ten Commandments is an end in itself, and not a symbol; hence also the Sabbath. Further, the pre-exilic prophets, who urge that symbols, like sacrifices, fasting, &c., must yield to God-fearing conduct, all insist on the observance of the Sabbath; hence, they could not have looked upon it merely as a symbol⁴."

Auerbach, too, held that the Sabbath was not a symbol; but he did not rest content with this negative statement, but injected a new thought into the discussion when he designated the Sabbath to be an institution⁵. "Judaism lives not in an abstract creed, but in its institutions,"

¹ *Protokolle*, 68-73.

² *Ibid.*, 57.

³ *Ibid.*, 87.

⁴ *Ibid.*, 146.

⁵ *Ibid.*, 130. Earlier in the debate A. Adler had hinted at this when he called the Sabbath a State institution (*Staatsinstitution*).

he said; "it is not merely doctrine, but a religion of deed. Israel itself is a divine institution, standing forth prominently in history, effective through its very existence. The Sabbath institution permeates all of Mosaism; hence the sanctification of the seventh week, the seventh month, the seventh year, and, finally, the jubilee year."

It would be interesting to reproduce more of the exhaustive, learned, and spirited discussions that occupied so many of the sessions of the conference, but enough has been given to indicate the chief thoughts that were brought forth in the academic and theoretical consideration of the subject. What, however, about the practical suggestions for the solution of this vexed problem of Sabbath observance? Were there any such suggestions? As noted above, both the commission and individual members of the conference confessed their inability to offer a complete remedy. The best they could do was to claim that a beginning was made at this conference, and that future conferences must continue considering the question until a final and satisfactory solution should have been reached. The commission itself, basing upon the thesis that the consecration of the day was its essential feature, believed that if the services in the synagogue were made of such a character as to attract and edify the people this would gradually react upon life, and the people would be so impressed with the consecrated character of the day that they would sacrifice material considerations, desert the business marts, interrupt economic and industrial pursuits, and give the Sabbath its proper place as the weekly season of religious consecration. Time has demonstrated how fallacious was this argument, and how delusive this expectation. Another practical suggestion was that of Formstecher's advising the formation of Sabbath associations in various communities whose object it was to be to foster the spirit of Sabbath observance among such as could be induced to enrol themselves as members. The

recommendation was embodied in the report as finally adopted by the conference. The third practical suggestion was that suggested by Holdheim and Hirsch, viz. the transfer of the Sabbath to the civil day of rest. The Breslau Conference will remain notable, if for no other reason, for the fact that it was during its sessions that this drastic measure was first suggested as the only solution of the Sabbath difficulty. Hirsch hinted at it when he moved for the appointment of the commission at the Brunswick Conference. He was unable to attend the Breslau meeting, but he sent a communication in which he stated that the conflict between religion and life in the matter of Sabbath observance can be removed only by a transfer to Sunday; he closed his communication by offering as a motion that "the conference should declare that the Sabbath idea can find expression on any other day. Therefore no community steps out of Judaism which celebrates the Sabbath on a day other than that observed up to this time¹."

At the close of his lengthy address² at the fourth session of the conference Holdheim declared his position in the matter in unambiguous terms. He stated that he would not offer a resolution recommending the transfer to Sunday because he was convinced that this would be rejected with indignation by the great majority of the people, and hence it could not be expected that it would be concurred in by the religious guides, but he felt that he must express his views, because freedom of expression was and must remain the prerogative of every member of the assembly. He then declared unreservedly "all our effort for the restoration of a worthy celebration of the Sabbath is fruitless, and there is unfortunately no thorough remedy whereby the conflict between the Sabbath and the demands of daily life can be removed other than the transfer of the Sabbath to a civil day

¹ *Israelit des neunzehnten Jahrhunderts*, VII, 267-8.

² *Supra*, p. 634.

of rest. I deny that this is a concession to Christianity; I have in view the only possibility of a worthy celebration of the Sabbath. The wounds from which our religious life is suffering affect us all most powerfully, and perplexity will be the result of all our endeavour until the time shall come when the only possible remedy for the disease will be applied." He then continued by saying that the difficulty of the transfer lay not so much in the purely religious as in the symbolical significance of the Sabbath, viz. the Biblical statement that God had rested on the seventh day after the completion of the creation and had sanctified and hallowed it, as well as in the later reference of the command of Sabbath rest to this fact, whereby it becomes certain that this command to rest refers to the seventh day (שבת בראשית). The celebration of a definite seventh day is therefore closely connected with its symbolical significance. The celebration of this definite day symbolized in an earlier time distinctive Jewish ideas in contrast with heathenism; in itself, apart from these ideas which have become our property, it can have no significance for us. If we wish to avoid anthropomorphism we can understand the story that God rested on the seventh day in no other way than that God manifested thus the absolute difference between himself and the world which he created. Since we claim that this and all cognate beliefs are no longer realized by man through rest, we must observe the Sabbath hereafter not through mere rest, but through active consecration and the sanctification of life; for the Bible phrase 'man shall sanctify the Sabbath,' we must substitute the words 'man shall consecrate himself on the Sabbath'; every reason for the observance of the definite day falls away, and the purely religious significance of the day cannot contain any religious obstacle to the transfer if this is demanded by other religious reasons. Since the Sabbath is of decisive influence for the preservation of religion, the reasons for the transfer of the same must be sought

and found exclusively in the interest taken in the preservation of the religion. The Sabbath is in conflict with life, and experience teaches that it is losing ground daily in this conflict, and that there is no hope for its issuing victoriously from the conflict. The rabbinical conference has undertaken the peaceful adjustment of this conflict. If it succeeds in this, there can be no talk of a retreat of the Sabbath. If, however, there is no other manner of settling the conflict peaceably, then the religion is threatened by the greatest danger, and it must demand dictatorially for its self-preservation the transfer of the Sabbath to another day as the only effective remedy. Hence the religious reason for the transfer is no other than this, viz. to save the religion from certain destruction.

He then said that he forbore to give other reasons because these were of a subjective and individual nature. If those who truly observe the traditional Sabbath protest against a transfer, they are quite right and consistent, since for them the religion is in no danger, inasmuch as the Sabbath asserts itself as victor in the conflict with life. If these, however, deny the right of such as really no longer observe the Sabbath to make this transfer, they are in the wrong, for here there is really danger, and for religion's sake energetic action must be taken. This non-observing section of Jewry has concurred thus far only in the negative aspect of the transfer, viz. the non-observance of the historical Sabbath; the positive observance made possible through the transfer must be given them if they are not to be entirely alienated from the religion and the religion be lost for them and they for it.

He concluded by calling attention to a Biblical precedent, viz. the permission given to such as were prevented from celebrating the Passover at the prescribed time to do so a month later. "The religious purpose of the Passover feast could be attained through the postponed celebration,

so can also the religious purpose of the Sabbath be attained on another day. Such as believe or fear that the preservation of Judaism is conditioned by ceremonial externals rest under a delusion. . . . We wish to save the Sabbath for Judaism and Judaism for the Sabbath, even at the cost of surrendering the symbolical shell of transitoriness¹."

This suggestion of Hirsch and Holdheim found no place in the official resolutions of the conference², but it was referred to time and again in the course of the debate³.

¹ *Protokolle*, 70-3.

² Holdheim touched this point in the open letters which he published on the work of the conference. His words are of interest: "The conference was convinced that the breach between religion and life could not be repaired by the resolutions adopted in the matter of Sabbath observance, and yet it had not the courage to even name the only possible extreme remedy, viz. the transfer to Sunday. They deceived themselves and others by the phrase that a proper celebration of the Sabbath would strengthen the religious sentiment once again and make the demands of life yield; they closed their eyes wilfully to the fact that existing conditions will not permit the re-institution of a proper celebration of the Sabbath, and therefore make the strengthening of the religious sentiment through this means impossible; this is possible of attainment only by a transfer of the celebration of the Sabbath." "Offene Briefe über die dritte Rabbinerversammlung," *Israelit des neunzehnten Jahrhunderts*, VII, 364. For his further views on the subject see his *Geschichte der jüdischen Reformgemeinde in Berlin*, 49, 148, 183, 196, 204, 209.

³ *Protokolle*, 94. In his first pamphlet on the work of the conference, to which reference has been made several times, Geiger shows how impossible it was for the conference to make a pronouncement on the subject (*Die dritte Rabbinerversammlung: ein vorläufiges Wort zur Verständigung*, p. 8), but he declares that the institution of a supplemental service on Sunday is the prerogative of any congregation (p. 9), and he goes on to say: "I consider the need of the present (for a service on Sunday) as so important that it must be satisfied in spite of ulterior apprehensions of what may happen, but because of these apprehensions precautions should be taken when a service of this kind is instituted that will remove such apprehensions as far as possible." In later years he favoured a monthly service on Sunday, which would give a great portion of the congregation the opportunity to attend, and at the same time not interfere with the rights of the Sabbath. *Nothwendigkeit und Maass einer Reform des jüdischen Gottesdienstes*, Breslau, 1861; republished in *Nachgelassene Schriften*, I, 226; see also *Jüdische Zeitschrift für Wissenschaft und Leben*, I, 77-8.

With the exception of Hess¹, all who touched the subject, viz. A. Adler², Salomon³, Stein⁴, Philippson⁵, Wagner⁶, and Formstecher⁷, disapproved strongly. Salomon, in concluding his remarks, said: "So much is certain, we must alleviate the Sabbath observance for the people if the Sabbath is not to fall in the background altogether, and it be found necessary then to transfer the Sabbath to the Sunday. God forbid! For to transfer the Sabbath to the Sunday would mean to serve two masters; it would mean coquetting with Christianity! that would signify the destruction of Judaism!" Stein expressed himself similarly: "I am firmly convinced that Holdheim is actuated by the purest motive and the sincerest desire to help our sick Judaism (by his plea to transfer the Sabbath to Sunday); but I beg him to consider as a faithful physician whether the medicine which he prescribes is not a dangerous potion, the imbibing whereof will mean either life or death; and whether he who has said so truly elsewhere that we are gardeners who cut away the dead branches but must beware lest we cut into the living wood, really considers our Sabbath so dead that he does not fear that he is cutting into the living wood! . . . If we transfer the Sabbath to the Sunday we will bury Judaism on Friday evening to permit it to be resurrected on Sunday morning as another religion!"

Philippson gave voice to his unqualified opposition in the statement: "All history declares against the transfer of the Sabbath. Christianity and Islam have transferred the Sabbath to Sunday and Friday respectively in order to have nothing in common with the Jews, and to obtain their autonomy. And Judaism shall now surrender its autonomy, and we shall go and say, We wish to celebrate the days that you celebrate⁸."

¹ *Protokolle*, 82. See also *Israclit des neunzehnten Jahrhunderts*, VII, 283, 330, note.

² *Protokolle*, 79.

³ *Ibid.*, 115.

⁴ *Ibid.*, 119.

⁵ *Ibid.*, 125.

⁶ *Ibid.*, 130.

⁷ *Ibid.*, 149.

⁸ However, in discussing S. Adler's resolution (see below), he declared

S. Adler offered a resolution on this subject of the following tenor: "Resolved that the conference, while recognizing the purposefulness of associations for the reform of Judaism¹ in general, and of Sunday services because they are held on that work-day on which the German Jews of to-day have more leisure than any other, still declares that the conducting of a *Sabbath service on Sunday*, whether this be the only service of the week or a second service in addition to one held on Saturday, contradicts the teaching and the spirit of Judaism, and as such is unwarrantable." The Sabbath commission to whom this resolution was referred reported as follows: "The commission is of the opinion, with which the mover of the resolution agrees, that since it has appeared most emphatically and impressively from the debate on the Sabbath that the conference attaches a sabbatical character to the Saturday, the chief contention of the resolution is thereby upheld, but the need for Sunday services is not so widespread that deliberation on the subject is necessary, and for this reason action on this subject be postponed²."

The main purpose of Adler's resolution was to place the conference on record as opposed to a transfer of the

a service on Sunday to be an urgent need of the times (*Protokolle*, 250); see also *Allgemeine Zeitung des Judenthums*, X, 502-3.

¹ The object of this resolution, aside from its main subject, was to encourage such reform organizations as the recently organized Berlin Reform Association. This association had attempted to come into close relations with the conference at the meeting in Frankfort the previous year. This year the Berlinease addressed a letter to the conference; after referring to the occurrence at the previous conference the letter proceeded to set forth the work of both organizations; the writers claimed that both their association and the conference were at one in their campaign against petrified orthodoxy and in the attempt to express and promulgate the pure content of Judaism. The letter was rather dictatorial in tone, and aroused some resentment among the members of the conference. It was referred to a committee consisting of Stein, Einhorn, and S. Adler, with the instruction to prepare an answer. When this answer was submitted, it caused so much discussion and gave rise to such decided differences of view that the whole matter was dropped (*Protokolle*, 278).

² *Protokolle*, 249-50.

Sabbath to Sunday; the resolution was called forth undoubtedly by the action of the recently formed Reform Society of Berlin, which held its service on Sunday. The mover of the resolution evidently wished to have it understood that he approved of organizations like the Berlin society which were formed to advance the cause of Reform Judaism, and, further, that there could be no objection to a service on Sunday, the day on which the Jews were at leisure, but that there was decided objection to giving this service the character of a Sabbath service¹.

¹ Sunday services were introduced at this period by a number of congregations, notably the Berlin Reform Congregation, the full story whereof will form the subject of a subsequent chapter. In Königsberg a service on Sunday in addition to the regular Sabbath service was instituted May 30, 1847, by the rabbi Dr. J. L. Saalschütz; the orthodox party appealed to the government, calling attention to a ministerial rescript which forbade Jews to change their traditional mode of worship; the government accordingly ordered the cessation of services on Sunday (*Allgemeine Zeitung des Judenthums*, XI, 378, 428-9); the officers of the congregation succeeded in having this prohibition withdrawn, whereupon Sunday, June 13, was selected as the day for the introduction of these services; before this day arrived the government renewed its prohibition under threat of a heavy fine; after further negotiations the government finally gave its consent, and a regular Sunday service was instituted on August 1; a special ritual in German was composed for this service (*ibid.*, 448, 491, 523); in the sermon delivered on this occasion Dr. Saalschütz gave the history of the reform movement in the congregation, and stated his reasons for favouring a service on Sunday (*ibid.*, 558-9).

Dr. S. Formstecher of Offenbach instituted a service on Sunday afternoon in 1847 (*ibid.*, 378, 428); his opponents petitioned the government to forbid his taking that step; the petition was rejected (*ibid.*, 504).

The reform congregation of Pesth, Hungary, organized in August, 1848, held its services on Sunday.

Other interesting incidents indicate how widespread at this time was the desire for a religious service on the civil day of rest. In March, 1846, a number of members of the congregation of Brussels requested the introduction of a service on Sunday because they were unable to attend on Saturday, and desired to go with their families to a religious service once a week (*ibid.*, X, 264-5). Fould, the Parisian banker, when a member of the Chamber of Deputies (1843), suggested the practicability of such a compromise (*Voice of Jacob*, III, 214). In 1845 a wealthy merchant of Frankfort-on-the-Main offered two thousand thalers towards

In the discussion that ensued Philipppson stated that he considered a service on Sunday to be an urgent need of the time, and desired a division of the two suggestions in Adler's resolution and a separate vote on each. This was not agreed to. Holdheim urged that the conference contradicted itself by this declaration; it had adopted no resolution on the subject of the transfer of the Sabbath, and yet declared by this statement that only the seventh day has a sabbatical character.

Further debate was disallowed, but each member was permitted to make a personal explanation in giving his vote. Philipppson, Holdheim, and Hess did so. The remainder of the members voted in favour of the resolution postponing further consideration of the question; as it happened, this postponement proved the final action on the subject, for the fourth conference was never convened. The Sabbath question was not broached at a rabbinical conference until fifty-six years later, when it was discussed at the New Orleans meeting of the central conference of American Rabbis¹. The Breslau conference was bitterly criticized, and stigmatized as cowardly by the radical wing in Jewry for this action. Geiger took notice of this criticism in the publication already referred to a number of times, and defended the conference².

As finally adopted by the conference, the resolutions on the Sabbath read as follows:—

The conference declares:

1. That the restoration of a worthy celebration of the the erection of a new synagogue, on the condition that it be opened every fortnight for a religious service on Sunday, when the organ should be played and a sermon delivered (*Orient*, VI, 178). On December 8, 1850, a service on Sunday afternoon was instituted in Vienna for the benefit of the many apprentices whose occupation did not permit them to attend on Saturday (*Allgemeine Zeitung des Judenthums*, XIV, 712).

¹ *Year-book of Central Conference of American Rabbis*, XII. The Pittsburg Conference of 1885, however, had made a declaration permitting the conducting of services on Sunday.

² *Die dritte Versammlung deutscher Rabbiner: ein vorläufiges Wort zur Verständigung.*

Sabbath as a day of rest and consecration is one of the most sacred tasks both of the Israelitish teacher and of each individual Israelite, and that therefore attention must be devoted particularly towards arousing an ever livelier consciousness of the holiness of the Sabbath by an edifying divine service and by the furtherance of Sabbath consecration in the homes.

2. That the celebration of the Sabbath by a worthy and dignified divine service is of such marked importance that activities otherwise prohibited may not be forbidden in connexion therewith, and that therefore everything which conduces towards a worthy performance of the service and makes the participation of the individual in an edifying service possible is permitted.

3. That no spiritual activities detract from the Sabbath celebration.

4. That if a cessation of one's occupation jeopardizes his livelihood, the attending thereto on the Sabbath by non-Israelites is permissible.

5. That in cases where the entire temporal well-being, where property and possessions, where the means for future livelihood are threatened, no religious duty is violated if precautions to save these are taken on the Sabbath, nay, if even the actual work of saving is done on the Sabbath.

6. That in case of danger to life, whether of self or others, of Israelites or non-Israelites, everything is permitted, yes, commanded to be done to avert this danger.

7. That the over-great rigour of existing commands for the observance of the Sabbath is injurious to such observance. Therefore those far-fetched hedges which are intended to produce complete leisurely rest are not binding.

8. That the devices which were invented by former authorities with the purpose of alleviating the rigour of Sabbath observance, but which seem to be evasions like *Erube Chazeroth* and *Erube T'chumin*, are inadmissible for us, nay, superfluous—notably the latter in the matter of short journeys undertaken not for industrial purposes.

9. That the Jewish soldier is obliged to perform his full military duties on the Sabbath.

10. That the Jewish official may perform the duties of his office in as far as he is obliged to do so on the Sabbath, with the understanding, however, that he strive to have the spirit of consecration permeate his home on the Sabbath.

11. The conference is of opinion that societies for the restoration of a worthy celebration of the Sabbath are of benefit under certain circumstances.

These resolutions were lamentably inadequate. True, they declare against the Talmudical casuistry of *Erube Chazeroth* and *Erube T'chumin*, but they substitute a new casuistry. There is no bold position taken; a painful hesitancy is apparent. At the Frankfort meeting the conference, in its resolutions on the liturgy, had opened a new path, and had broken with such Talmudical stand-points as were outgrown, but at Breslau an altogether different spirit seemed to pervade the meetings; a confident consciousness of strength and ability to cope with the situation marked the Frankfort gathering; a halting fear to grapple with the problem, as though it demanded a prowess greater than theirs, lamed the powers of the participants in the Breslau meeting. It was undoubtedly too much to expect that a way out of the difficulty would be found, but the disappointment was none the less keen, and the Breslau Conference, as will be shown later on, evoked a storm of criticism from both the liberal and conservative sides.

Although the Sabbath discussion was the all-absorbing incident of this conference, other questions were discussed, to which reference must now be made.

Festivals.—The commission to which the Sabbath question had been referred also reported on various points in connexion with the observance of the holidays, notably the question of the observance of the second day. Wechsler reported for the commission¹; several recommendations

¹ *Protokolle*, 190-3.

were made, which were preceded by a preliminary address which set forth the reason for these recommendations in somewhat the following language:—

The observance of the second day lacks all reason in our time, whatever may have been its justification in an earlier day. The reason given in the Talmud for this observance, because this may be necessary in the future when the restoration to Palestine takes place and the temple will be rebuilt, does not impress us very deeply.

Although the original reasons for the institution of these second days no longer obtains, still it cannot be denied that the people look upon them as holy and assign to them religious significance. As long as this remains the case no good reason can be advanced for abandoning them, but if because of their frequency they become a burden or detract from the fervour wherewith the first days are observed, then the time has come to abolish them. It may be that this is the case with some of these second days and not with others. At any rate, circumstances may differ in different communities, and it should be left to each congregation to determine this according to these circumstances, we merely giving the assurance that, if any congregation determines to abolish the observance of these days, there is nothing in Judaism to prevent it.

The report was debated at length¹, and the resolutions as finally adopted read as follows:—

1. The second days of the holidays, viz. the second and eighth days of Passover, the second day of the Feast of Weeks, New Year, the Feast of Tabernacles, and the Feast of Conclusion, have no longer any significance for our time according to our religious sources; the second day of the New Year, however, deserves special consideration.

2. Therefore, if any congregations abolish some or all of these second days, they violate no religious ordinance and are thoroughly justified in their act.

3. If there be serious objection on the part of some

¹ *Protokolle*, 208-48.

members of a congregation to such abolition, a holiday service may be held on the second day, but the prohibition to work on that day is not binding.

4. The prohibition to eat leavened bread on the twenty-second of Nissan (the eighth day of Passover) is not binding.

5. It is permitted to blow the *shofar* on New Year's Day, and to use the four prescribed fruits on the first Day of Tabernacles when these days fall on a Sabbath; in such congregations as observe only one day, these features of the observance of the holiday must be observed when the holiday falls on Sabbath.

6. The custom to abstain from eating leguminous plants, inclusive of rice and hirse on Passover, is absolutely unfounded and is therefore not to be observed.

Liturgy.—At the Frankfort Conference a commission on liturgy had been appointed, to prepare a plan for a prayer book along the lines of the ideas developed in the discussion and contained in the resolutions adopted. This commission failed to agree on a great number of special points; in its report to the conference at Breslau these points to the number of thirty-one were mentioned¹; it was found impracticable to discuss these points in open meeting; it was therefore resolved to refer the report to a special committee, which was to confer with the commission on liturgy and report during the session. This committee consisted of Einhorn, S. Adler, Wechsler, Holdheim, and Philippson. At a later session it was resolved that the report of this committee be printed and sent to each member of the conference, with the request that objections and suggestions be communicated to the committee, which should report a definite plan for a prayer book to the next conference². In this connexion mention may be made of a communication addressed to the conference by the congregation of Cöslin, stating that this congregation had adopted the resolutions touching the liturgy passed at the Frankfort Conference. In this communication the

¹ *Protokolle*, 33.

² *Ibid.*, 271-4, 291.

following words were used, which are reproduced here because they express exactly the status of the conferences in their relation to the congregations: "All your resolutions, both those which have been adopted and those which are still to be adopted, are to be considered not as irrefragable legislation, but only as deliverances founded upon the spirit and the pure principles of Judaism, which every individual congregation can modify in accordance with its particular religious needs and its condition of culture¹."

Circumcision.—At the opening session of the conference a communication from Dr. Adolph Arnhold of Breslau, in which he set forth in detail the sad experience he had had in having his two children circumcised; the first had almost bled to death; the second had died from the effects of circumcision. He asked the conference, not for a decision of the question as to whether circumcision was necessary and indispensable for the Jews, but for an opinion as to how he should act in the future. "Should a son be born to me hereafter, will it not suffice if I have him named in the synagogue and have the customary benediction pronounced; can the state, can the congregation raise any objection to such an initiation of my sons into Judaism, considering the experiences I have had?" This communication, together with others on the subject of circumcision, was discussed in executive session. Philippson urged the necessity of reforms in the method of circumcision; he declared that the operation must be so safeguarded as to exclude the possibility of fatal results. The entire matter was referred to a commission of three consisting of S. Adler, Holdheim and Philippson, with instructions to report during the sessions of the conference. The commission reported on July 19, and after a lengthy discussion the conference adopted the following resolutions on the subject of circumcision:—

1. It is necessary that every *mohel* take a thorough course of instruction from a competent physician in all

¹ *Protokolle*, 86.

matters touching the operation, pass an examination, and have a license (*legitimation*).

2. Any *mohel* who, because of any bodily defect, such as trembling of the hands, near-sightedness, &c., is unfit to perform the operation, shall not be permitted hereafter to fill the office.

3. The operation of the *P'riah* with a surgical instrument is not ritually forbidden; it is therefore to be left to the judgement of the operator or the assisting physician which method is to be used, whether with the nail as is the traditional custom or with a surgical instrument.

4. The *mezizah* is to be discontinued.

5. It is desirable to leave the after-treatment to a physician or surgeon.

6. It is necessary that a medical examination take place before the circumcision in order that it be determined whether any bodily suffering or defect make a deferring of the act advisable or necessary.

7. In such cases in which, according to a physician's declaration, a child has died or has sustained lasting injury from circumcision, and it is therefore a fair supposition that danger to life and health threaten a second child of the same parents, the act of circumcision is to be suspended until a medical declaration has been given that no danger of any kind is to be feared as a result of circumcision.

The conference did not discuss for a moment the question whether circumcision is a *conditio sine qua non* of admission into Judaism. The resolutions adopted at Breslau had the purpose simply of reforming certain abuses, and of preventing as far as possible any ill effects from the operation¹.

¹ Dr. A. Arnhold, whose communication had caused the conference to take up the circumcision question, published a pamphlet on the subject after the adjournment of the conference, entitled *Die Beschneidung und ihre Reform mit besonderer Rücksicht auf die Verhandlungen der dritten Rabbinerversammlung*, Breslau, 1846.

Mourning Customs.—Another matter in Jewish life that called loudly for reform was the customs observed in connexion with death and mourning. The subject was broached at the last session of the Frankfort Conference, but was considered of too great importance to be disposed of in the hurry of a closing session; it was postponed therefore to the next conference. Stein reported for the commission at the Breslau Conference, whose final action resulted in the adoption of a number of important reforms¹. The conference declared that the following customs which were survivals from earlier periods of Jewish life, viz. the tearing of the clothes (קרען), the abstention from shaving the beard, the sitting on the earth, the dispensing with leather footwear, as well as the prohibitions to wash, bathe, and greet acquaintances, have lost all significance and religious meaning for our time, nay, more, they are inconsistent with our religious sentiment and are therefore to be abolished. The conference declared it to be advisable that the mourner remain at home the first three days, counting from the day of burial (instead of the first seven as hitherto), in as far as this is compatible with the higher duties of life and considerations of health. Further, the conference advised that the mourner close his business altogether on the day of burial if at all possible, and that on the two following days he himself abstain from participation in his business although others may conduct it for him.

Reform of Marriage Laws.—At the Brunswick Conference a commission had been appointed to revise the Jewish marriage laws. This commission did not report at the Frankfort Conference, but a question propounded to this conference for solution by the congregation of Bingen was referred to it. The question touched the method of reconciliation of the Jewish and the civil marriage and divorce laws². Also at the third conference the commission did not report except briefly at the last

¹ *Protokolle*, 279, 290.

² *Protokolle der zweiten Rabbinerversammlung*, 189, 222.

session, when they claimed the indulgence of the conference for longer time because of the importance of the work submitted to them. However, several times during the session the subject of the marriage laws came to the fore. At the opening meeting Holdheim submitted a resolution¹ to the effect that the conference devote attention to a number of points in the traditional marriage laws which required reform, revision, and change². At the closing meeting the commission on marriage laws recommended that the old institution of *chalitza* be declared unsuited to modern conditions because "the levirate marriage and the *chalitza* were instituted in a time when the views on the position of woman, the family rights and the perpetuation of the individual, were entirely different from what they are now; they had their origin under different social conditions, and they are not only improper but unjustified under the entirely different views and conditions of to-day, nay, they are an insult to the free personality of woman, an insult to the religion; they are dangerous fetters which must be loosed." The commission therefore offered the resolution "that the conference declare that no other conditions are necessary for the re-marriage of a childless widow than for any other Jewish marriages³." No definite action, however, was taken on this recommendation.

The Position of Woman.—At the Frankfort Conference a commission had been appointed to report on the religious duties of woman in the light of the change of modern thought on her position. The commission reported at the Breslau Conference as follows:—

We recommend that the rabbinical conference declare

¹ *Protokolle der dritten Rabbinerversammlung*, 9–11.

² These suggestions were embodied in a pamphlet which he had issued the preceding year, entitled *Vorschläge zu einer zeitgemässen Reform der jüdischen Ehegesetze, der nächsten Rabbinerversammlung zur Prüfung übergeben*, Schwerin, 1845.

³ *Protokolle*, 298.

woman to be entitled to the same religious rights and subject to the same religious duties as man, and in accordance herewith make the following pronouncements:

1. That women are obliged to perform such religious acts as depend on a fixed time¹, in as far as such acts still have significance for our religious consciousness.

2. That woman must perform all duties towards children in the same measure as man.

3. That neither the husband nor the father has the right to release from her vow a daughter or a wife who has obtained her religious majority.

4. That the benediction *שלא עשני אשה* ("Praised be thou, O Lord our God, who hast not made me a woman"), which owed its origin to the belief in the religious inferiority of woman, be abolished.

5. That the female sex is obligated from youth up to participate in religious instruction and the public religious service, and be counted for *minyan*, and finally

6. That the religious majority of both sexes begin with the thirteenth year².

Unfortunately, this important and interesting report could not be discussed owing to lack of time. It was merely read at the last session but one. In practice, however, these first recommendations on this subject in the history of the reform movement have been carried out in reform congregations, notably in the United States, where, with the abolition of the woman's gallery in the synagogue and the introduction of family pews, much more decided steps forward have been taken. Woman's religious equality with man is fully recognized in reform congregations. Einhorn, in presenting this report, reviewed the whole subject of the position of woman in Judaism, pointing out her inferiority in the public religious functions from the Biblical, Talmudical, and rabbinical standpoint,

¹ מצוה שהזמן גרמה בה, in contradiction of the Talmudical principle which holds the opposite. *Talm. Bah. Kidd.*, 29 b.

² *Protokolle*, 265.

and closed characteristically as follows: "It is our sacred duty to declare with all emphasis the complete religious equality of woman with man in view of the religious standpoint that we represent, according to which an equal degree of natural holiness inheres in all people, the distinctions in sacred writ having therefore only relative and momentary significance. Life, which is stronger than all theory, has already accomplished something in this respect; but much is still wanting for complete equality, and even the little that has been achieved still lacks legal sanction. It is therefore our mission to make legal declaration of the equal religious obligation and justification of woman in as far as this is possible; we have the same right to do this as had the synod under Rabbenu Gershom eight hundred years ago, which passed new religious decrees in favour of the female sex. The Talmud asks in reference to the *מזוזה* command, *גברי בעי היי נשי לא בעי היי*; let us interpret this principle in a much higher sense by applying it to the religious life, and thus enable our congregations to make use of powers that have been alienated only too long¹."

Rabbinical Seminary.—The commission appointed at the Frankfort Conference to present a plan for the foundation of a rabbinical seminary reported at this conference that an event had taken place during the past year which promised to make possible the opening of such an institution much sooner than any of them had hoped would prove the case. Mr. J. Fränckel, a wealthy Jew of Breslau, who had died recently, had left provision in his will for the foundation of a rabbinical seminary; upon being apprised of this, the commission had addressed a communication to the executors of the will, informing them of the steps the conference had taken in this matter, and offering the assistance of the conference in carrying out the work². The commission reported further that they had had a personal interview with the executors, and had received the assur-

¹ *Protokolle*, 265.

² *Ibid.*, 292.

ance from the latter that they would take pleasure in giving the fullest consideration to the suggestions of the conference. The account of the well-known rabbinical seminary of Breslau, the institution which Fränckel's munificent bequest called into being, does not belong here; sufficient to say that the first practical suggestions for such an institution emanated from the rabbinical conferences upon the initiative chiefly of Philippson and Geiger.

As was the case with the two preceding conferences, so also did the Breslau Conference arouse a storm of opposition, with this difference, however, that, while the Brunswick and Frankfort Conferences had been denounced chiefly by the orthodox, the Breslau Conference called forth the scorn of the radicals; truth to say, the third conference seemed to satisfy no party; its compromising attitude put it out of favour with both extremes¹; it was notably the Sabbath discussions and resolutions which were made to bear the brunt of the attacks; the other discussions and resolutions were passed over almost altogether. The conference had scarcely adjourned ere the public press began to teem with denunciatory articles, notably the *Deutsche Allgemeine Zeitung*, the *Frankfurter Journal*, and the *Oberpostamtszeitung*; most of these articles were republished in the Jewish press. The first gun was fired from Frankfort; the issue of the *Frankfurter Journal* of August, 1846 (No. 219)² contained a bitter arraignment of the Breslau Conference by twelve Jews of the city on the Main; it opened with the words "The third rabbinical conference has lost the confidence of the German Jews, and it is time that the friends of progress in Judaism assemble and declare openly and freely this fact, felt by all and denied by none." The

¹ "The assembly shares the fate of all public bodies which follow expediency instead of principle; whilst it goes too far for the one, it does too little for the other." *Voice of Jacob*, VI, 11.

² Reprinted in *Allgemeine Zeitung des Judenthums*, X, 505-8.

letter called the rabbis reactionary, not representative of the progressive spirit ruling in German congregations, desirous of assuming hierarchical authority, &c., &c. The neglect of the conference to declare for the transfer of the Saturday to the Sunday, as the only solution of the problem, was the cause of this diatribe, as appeared from the close of the communication.

This arraignment called forth a number of answers in defence of the conference, viz. from Leopold Stein, the rabbi of Frankfort¹; from the congregation of Alzey²; and from B. Wechsler, the rabbi of Oldenburg, in the *Bremer Zeitung* of August 18³.

A second attack by Frankfort Jews, supposedly members of the defunct Reform Society, declared that the Breslau Conference had gone backward; that, whereas the first two conferences were animated by the reform progressive spirit, the Breslau Conference was characterized by rabbinical casuistry⁴; this too was answered by Stein⁵.

Holdheim too voiced the dissatisfaction of the radical element in a number of open letters⁶; he stated that the dissatisfaction on the part of the liberals was justified, but that this dissatisfaction was due not so much to the results as to the spirit that pervaded the transactions . . .; the conference had lost its place as a guiding influence in Jewish life, which it had maintained in the two former meetings; at Frankfort it had taken the bold

¹ In the same newspaper and reprinted in *Allgemeine Zeitung des Judenthums*, X, 524.

² Ibid., X, 527.

³ See also *ibid.*, 528.

⁴ Published first in *Frankfurter Journal* and reprinted in *Allgemeine Zeitung des Judenthums*, X, 530-1.

⁵ Ibid., 573-4; see also a further article by Stein, "Die Rabbinerversammlung: ein Wort zur Verständigung an alle, welche sich für dieselbe interessiren," *Israelit des neunzehnten Jahrhunderts*, VII, 209; cf. also Geiger, *Nachgelassene Schriften*, V, 192.

⁶ "Offene Briefe über die dritte Rabbinerversammlung," *Israelit des neunzehnten Jahrhunderts*, VII, 361-4, 369-72, 377-80. See also an anonymous article, "Ein Dialog über die dritte Rabbinerversammlung," *ibid.*, 289-92, 297-300.

position that the Hebrew language was not an absolute requirement for the services, although it had stated that its partial retention was advisable under present conditions; it had not said that it must wait with a declaration on this question until the whole community of Israel had come to this conclusion; it led. How different its attitude on the Sabbath question at Breslau; here it feared to take the initiative by declaring for the only possible solution, the transfer; what if the community at large was not ready for it; it had to come if Judaism was to be saved; the conference should be the organ, not merely of present day but also of future Judaism, and should give voice not alone to present convictions, but point the way to the future.

Geiger, the president of the conference, was moved, chiefly because of these attacks, to write two lengthy defences of the work of the conference, before the official publication of the proceedings appeared. Occasional references have already been made to both these pamphlets¹. In the former of these pamphlets he reviewed the work of the rabbinical conferences in general; of this he said they sought "to clear away abuses, to breathe into Judaism the living spirit, and make it susceptible of forms suitable for our time; further, the conferences stand also for the historical development of Judaism, building on the past and preparing for the future. In this spirit the Breslau Conference worked also." In the second pamphlet he met the attacks on the attitude of the conference on the Sabbath question; he stated that it was the most pressing question of the time, and the conference had to consider it. It would have been cowardly to evade it, as many say the conference should have done; the conference could not possibly suggest the transfer to Sunday; an institution of Judaism that

¹ *Vorläufiger Bericht über die Thätigkeit der dritten Versammlung deutscher Rabbiner*, Breslau, 1844; *Die dritte Versammlung deutscher Rabbiner: ein vorläufiges Wort zur Verständigung*, Breslau, 1846.

has existed for thousands of years and is one of its very fundamentals cannot be legislated out of existence by a rabbinical conference. As for a service on Sunday, there can certainly be no objection to a supplemental service as long as it is not a Sabbath service, and any congregation can institute it; but many fear that it is only the opening wedge to a complete transfer. The conference, although asked to pronounce upon the permissibility of a service on Sunday for the benefit of such as do not attend on Saturday, postponed consideration of this question; but it is only postponed; the conference will have to take it up next year or some other time.

However, this was not to be; no further conference was convened; when the Breslau Conference adjourned, it was with the full expectation that the yearly meetings would continue. Geiger, in a letter to the dissatisfied radical element, said: "Let us prepare for future conferences; the task before us is great; let us aim to accomplish this in unity and mutual understanding¹." The executive committee appointed at the Breslau Conference took steps towards convening the next conference at Mannheim in 1847; this conference was not held, because the consent of the government was not received in time to convene the meeting at the appointed time²; the executive committee requested opinions from members whether they would attend a meeting to be held at a later day in that year; after receiving a negative reply from twelve the committee issued a notice that the next conference would be held July 17, 1848³. The permission to hold the conference at Mannheim was received from the government of Baden on March 3, 1848. The executive committee, consisting of H. Wagner, S. Adler, A. Adler, S. Formstecher, and L. Stein, addressed a communication to the members of

¹ *Sendschreiben an die löbliche Redaction des "Israelit des neunzehnten Jahrhunderts,"* VII, 397.

² Geiger, *Jüdische Zeitschrift für Wissenschaft und Leben*, VI, 170.

³ *Allgemeine Zeitung des Judenthums*, XI, 608.

the conference, dated Worms, July 24, 1848, in which they say, after mentioning the fact that they had received the consent of the government of Baden to hold the conference at Mannheim, that they did not consider it feasible to take advantage of this belated permission, since they were of opinion that the rabbinical conference no longer met the needs of the Jewish situation; "the people should and must have a voice in the deliberations and decisions"; therefore they proposed that a synod be convened to take the place of the conference, and that both rabbis and laymen participate in this synod¹. Hence, the conference at Breslau proved to be the last reform rabbinical conference to be held in Germany till 1868, when the Cassel Conference took place.

The rabbinical conferences of 1844, 1845, and 1846, will remain for all time among the most remarkable gatherings in the history of Judaism; it was here that the great truth received public expression that Judaism contained in itself the power of adaptation to changing needs and conditions of life in the successive ages of the world's progress; it was here that the spirit of the Jewish tradition and the spirit of modernity met each other face to face in public view and became welded in firm embrace. The conferences pretended to no hierarchical authority²; they furnished the platform for the discussion of the vexing problems in Jewish life. That they did not solve these problems does not militate against their importance and usefulness, for indeed Geiger was correct when towards the close of his defence of the Breslau Conference, he wrote: "The rabbinical conference is the most powerful agent for progress in Judaism, the institution which will show itself more and more capable of meeting the needs of our religious conditions³"; it is an eternal pity that circumstances prevented their perpetuation; true, it is in vain

¹ *Allgemeine Zeitung des Judenthums*, XII, 470.

² *Protokolle der dritten Versammlung deutscher Rabbiner*, 266.

³ *Ein vorläufiges Wort*, 12.

to attempt to describe what might have been, but this much may be said, that of all the early results of the reform movement the rabbinical conferences of the fifth decade have gone down into history as the most characteristic expression of that task at which the present generation is still labouring, viz. the interpretation of the principles of Judaism in the light of modern conditions and the garbing of its eternal truths in expressions and institutions that are of the age and generation; in other words, the emphasizing of the all-important truth that Judaism spells development and not stagnation, for this is the intent and content of the reform movement.

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THE ITINERARY OF BENJAMIN OF TUDELA (*concluded*).

HEBREW TEXT.

ומשם עד אל גנגלה מהלך ט"ו יום¹ דרך ים ושם כאלף² מישראל:
ומשם לכולן³ שבעה ימים דרך ים ואין שם יהודים⁴. ומשם י"ב
יום⁵ לזביד⁶ ושם יהודים מועטים⁷: ומשם דרך ח' ימים⁸
להודו אשר ביבשה הנקרא ארץ אעדאן⁹ והיא עדן אשר בתלסר.
ובה הרים גדולים ושם מישראל¹⁰ ואין עליהם עול גוים. ולהם
ערים ומגדלים בראשי ההרים¹¹ | ויורדים לארץ המישור¹² הנקראת צן
לוביא¹³ והיא ממשלת אדום והם האלובים שבארץ לוביא¹⁴ ונלחמי'
עמהם היהודים ולוקחים שלל ובוזה ועולים אל ההרים ואין אדם יכול
להלחם עמהם. ובאין¹⁵ מאות' היהודים אשר בארץ עדן¹⁶ רבים לארץ
פרס ולארץ¹⁷ מצרים: ומשם לארץ אסואן¹⁸ מהלך כ' יום במדבר
היא סבא אשר על נהר פישון הוא היורד מארץ כוש. ושם מבני
כוש שיש¹⁹ להם מלך וקוראין אותו סלטאן אל חבשה²⁰: ויש אומה
מהן שהן כבהמות²¹ אוכלין העשבים על שפת פישון ובשדות והם הולכים
ערומים²² ואין להן דעת כשאר בני אדם. ושוכבים²³ עם אחיותיהם ועם
מי שימצאו והיא חמה²⁴ מאד. וכשהולכין אנשי אסואן לשלול שלל בארצם

ומשם שלשה ימים אל גינגלה מהלך חמשה A; ומשם ט"ו ימים לגינגלה R transposes¹. — לקולנו E; לו' ימים (sic) לְבִנְיָן ו' ימים R³. — כמו אלף A; ב' אלף R². — עשר ימים — מעטים A⁷. — לזביד E; לְזָבִיד R⁶. — שנים עשר ימים A; י"ב ימים R⁵. — ישראל A⁴. — בעדן A; מעדן R; אעדאן BM⁹. — ומשם שמונה ימים A; ומשם ב' ימים מהלך R⁸. — וראשי R¹¹. — הרבה RA insert¹⁰. — בעדאן C and other Edd. E; בעדן E. — היהודים (omitting) לארץ המישור הנק' לוביא והיא ממשלת (אדום) (omitting) being the beginning of the word המישור with which the next line begins; In BM the line ends with¹². — אשר בארץ לוביא A and Edd. המעטים¹³. — היא A¹⁴ continuing נוביא. — עראן A¹⁶. — שם A inserts¹⁵. — (הלובים) (Ed. C) אשר בארץ נוביא (לוביא) (Ed. C). — ערן רבים and היהודים R omits¹⁸. — ווארץ A¹⁷. — מהלך עשרים יום במדבר שבא על נהר A¹⁹. — note 2, p. 665, ומשליכים till after. — כוש to כוש from פישון, omitting פישון היורד מארץ כוש שיש²⁰. — והולכים בשדות ערומים A²². — ויש מהם קצת שהם כבהמות לכל ענייניהם A²¹. — ארץ חמה A²⁴. — שוכבין A²³.

והדגשן והחולסם מבני ישראל היה שם ביום ההוא
ומשם ילך אדם טו מילין תחת ההרים. והוא הבנין אשר
בנה דומיוס המלך שבעה עשר חומה וכל זה מפני פחד חור
ויחב שר שבאנגלן על ההרים ותחת ההרים עד טאטל
המדינה והיא גל שפת הים עד בצורה מאד חבטין היזנים
ושם כמו ה מאות גידים " ומשם מהלך יום עד עיר סל
סלדנה ושם מקומות יציבת החפאים שלהם לבני אחרים
ושם כמו מאות יהודים והיא עיר מוקפת חומה מצד היבש
היבש האחר על שפת הים והמקדל בראש החד חוק מאד
ומשם חצי יום למלך ושם כמו יהודים והעניים אנשים
האדני הערים הולכים בבחורה ימים וירעם וקוצרים
לא הכל קוצים בקרף מפני שהם שוכנים על ההרים
העבהים ובראשי הסלע אכל ים להם כחת הדבה וארץ
כרמים וותים עצות ופרדסים ואין אדם יכול להלחם
עביהם " ומשם ב ימים לירבעם היא עיר יושבת על
שפת נהר אחר ושם כמו מאות יהודים ובראשם קלע
לכמות ~~היהודים~~ ושם ב ימים למלך
שבארץ פולא והיא דרך של ושם כמו מאות יהודים
אחריהם וז' טרן וז' צדוק וז' " ומשם מהלך יום
לירבעם אשר על שפת הים ושם מתקבצים כל התעש
לעבוד בירושלם כי שם העמל נכון ושם קהל מישל
כמו מאותם ובראשם ז' ליה וז' טרן הדודשן והיא עיר
גדולה וטובה " ומשם מהלך יום לירבעם זכר היא המד
העולה אשר החריב המלך נל למלך סיסלמה ואין
שם ישראל היום מפני שהיא חרבה מן העניים כמו כן ומשם
יום וחצי לירבעם היא תחלת ארץ מלכות קלבריה

מוליכים עמם¹ לחם וחטים וצמוקים ותאנים ומשליכים אליהם² ובאים
אחרי המאכל ומביאים מהם שבויים הרבה³. ומוכרים אות' בארץ |
צן מצרים ובכל ממלכות⁴ אשר סביבותיהם והם העבדים השחורים בני חם.
ומאסואן מהלך י"ב יום עד חלואן⁵. ובה כמו ש'⁶ יהודים. ומשם
הולכים בשיירות מהלך נ"ז יום דרך המדבר הגדול⁸ הנקרא אל צחרא⁹
למדינת זוילה היא חבילה¹⁰ (sic) בארץ גאנה¹¹. ובאותו מדבר¹²
יש הרי החול והעת¹³ שיעלה¹⁴ הרוח מכסה שיירות¹⁵ בחול ומתים כולם
בחול תחת החול¹⁶ והניצולין מהן מוליכין נחשת וחטים ופירות ומיני
קטניות¹⁷ ומלח ומביאים משם זהב וכל המרגליו¹⁸ היקרות והיא בארץ¹⁹
כוש הנקראת אל חבש ברכתי²⁰ מערב. ומחלואן דרך יג" יום לקון²¹
המדינה היא כוש והיא²² תחלת ארץ מצרים ובה כמו ש'²³ יהודים.
ומשם שלש מילין עד פיום היא פיתום²⁴ ובה כמו מאתים²⁵ יהודים.
ועד היום רואין²⁶ שם מן הבניין שבנו אבותינו²⁷: ומשם למצרים ד'
צח ימים | היא מצרים העיר הגדולה²⁸ היושבת על נהר²⁹ נילוס הוא
פישון. והוא אל ניל³⁰. ובה כמו שבעת אלפים³¹ יהודים. ושם שני
בתי כנסיות אחת לאנשי ארץ ישראל ואחת לאנשי ארץ בבל. וקוראין
לכנסת אנשי³² ארץ ישראל כנסי³³ אל שאמין. ולכנסת אנשי בבל כנסי
אל עראקין³⁴ ואינ' נוהגין כולם³⁵ מנהג אחד בפרשיות ובסדרים של תורה³⁶
כי אנשי בבל נוהגין לקרות בכל שבוע פרשה כמו שעושי' בספרד³⁷
ובמנהגנו שאנו נוהגין³⁸. ובכל שנה ושנה מסיימין את התורה. ואנשי
ארץ ישר'³⁹ אינ' נוהגין כך אבל⁴⁰ עושין מכל פרשה⁴¹ ג" סדרים

ומביאין A³. — והם באים A continues; R resumes². — עממם A¹. —
ומאסואן עד חלואן שנים RA⁵. — הממלכות RA⁴. — הרבה omitting; אותם שבויים
— אל צַחְרָא R⁹. — דרך מדבר A⁸. — חמשים RA⁷. — שלש מאות RA⁶. — עשר יום
— הרי חול ובעת A¹³. — המדבר RA¹². — למדינת חוילה גאנה R¹¹. — חוילה A¹⁰.
— כולם בתוך A; בחול R omits¹⁶. — השיירות A; את השיירות R¹⁵. — שיקום RA¹⁴.
— הזהב והמרגליות A¹⁸. — עממם ברול ונחשת ומיני פירות ומיני קטניות A¹⁷. — החול
היא ראש כוש R²². — דרך יג לקון R²¹. — אלחבש מירכתי A²⁰. — מארץ A¹⁹.
— שלש מילין R omits²⁴. — שלשים אלף A; ג' מאות R²³. — היא ראש A; והיא
— (ר and כ similarity of עשרים A²⁵. — ומשם עד פיום המשה ימים והיא פיתום A
והיא עיר גדולה A²⁸. — מבניין אבותינו שבנו R²⁷. — ועד היום הוה נראה RA²⁶.
— הוא פישון A omits; נהר RA instead of שַׁת²⁹. — מצרים omitting.
but אנשי O fol. 61 begins with אנשי³². — כמו אלפים A; כמו ז אלף R³¹. — אל ניל
כנסייה אל O; כנסייה אלערקין R³⁴. — כנסייה אלשאמין R; כנסייה O³³. — ארץ
אחת לאנשי ארץ ישראל כנסייה אל שאמין ואחת כנסת אנשי בבל כנסייה אל A; עראקין
עושין R³⁸. — בכל ספרד RAO³⁷. — התורה O³⁶. — עראקין A omits³⁵. —
O adds פרשה⁴¹. — אלא R⁴⁰. — רשנה O³⁹. — וכ' ש' נ' A omits.

ומסיימין את התורה לסוף ג' שנים: ויש ביניהם מנהג ותקנה¹ להתחבר בולן ולהתפלל ביחד ביום שמחת תורה וביום² מתן תורה. וביניהם³ נתנאל שר השרים ראש הישיבה והוא ראש לכל הקהלות⁴ של מצרים להקים רבנים וחזנים והוא משרת פני המלך הגדול היושב⁵ בארמון צוען⁶ המדינה. והיא עיר⁷ המלוכה לבני⁸ ערב: ושם אמיר⁹ אל מומנין | אבן אבי טאלב¹⁰. וכל בני ארצו נקראין עלויין¹¹ אשר מרדו באמיר צט אל מומנין אל עבאסי היושב בבגדאד¹² וביניהם קנאה עד לעולם¹³ כי זה עשה כסא בצוען כמדומה לו¹⁴. והוא יוצא שני פעמים¹⁵ בשנה. אחת¹⁶ בשעת¹⁷ חגם והשנית¹⁸ כשיוצא¹⁹ נילוס הנהר וצוען מוקפת חומה ומצרים אין לה חומה כי היאור סובב²⁰ אותה מצד אחד. והיא עיר גדולה ובה שוקים²¹ ופונדקאות הרבה²²; ויהודים²³ עשירים הרבה יש²⁴ בה. ולא ירד בה מטר וקרח ושלג²⁵ לא²⁶ ראו בה²⁷ מעולם. והארץ חמה ביותר. והיאור²⁸ יוצא פעם אחת בשנה בחדש אלול ומכסה כל הארץ ומשקה אותה מהלך ט"ז יום²⁹ והמים נשארים אלול ותשרי על פני³⁰ הארץ להשקותה ולרוותה³¹: ויש להם עמוד שיש³² דבנו³³ בחכמה לדעת שעור עליית היאור³⁴ והיא על פני³⁵ אי אחת³⁶ בתוך המים. נשמש בכ"י [והוא העמוד י"ב אמות³⁷ על פני המים] ובשעה שעולה היאור ומכסה | אותו יודעים כי כבר עלה היאור וכסה ארץ מצרים מהלך ט"ז יום. ק ואם נתכסה³⁸ חצי העמוד לא יכסה אלא³⁹ חצי הארץ. ובכל יום ויום מורד אדם אחד העמוד⁴⁰ ומכריז בצוען ובמצרים ואומ'⁴¹ תנו שבת לבורא⁴² כי עלה היאור היום⁴³ כך וכך ובכל יום⁴⁴ הוא מורד ומכריז.

— (ר' חננאל) רבי A; ו' inserts O³. — וכן ביום R A O². — תקנה ומנהג O¹. — R omits⁷. — מצרים A inserts⁶. — שיש R⁵. — של R A O omit⁴; קהלות O A⁴. — בן O; אמיר אלמומנין בן אבי מלך R¹⁰. — (sic) אלמיר O⁹. — מלוכה לכל בני A⁸. — as בגדאד BM¹². — מורדים A; עליון R O¹¹. — עלי בן אביטאלב A; עלי אבן אבוטלב elsewhere. — R¹⁵. — והוא הושיב כסאו בצוען כי הוא הדומה לו A¹⁴. — עולם R O¹³. — כיוצא O¹⁹. — והאחת R¹⁸. — בעת A¹⁷. — האחת R O¹⁶. — והוא יושב שם פעמים — ייש O A omit²⁴. — ויהודים O²³. — A omits²². — שווקים A²¹. — מסבב A²⁰. — ולא ירד שם O A²⁵. — מעולם בה to wrongly after ויהודים R transposes. — והיאור A O²⁸. — A omits²⁷. — ולא R²⁶. — ממר ולא קרח ולא שלג — של שיש A³². — ולהרוותה A; ולרוותה O³¹. — כל R inserts³⁰. — ימים A²⁹. — שיעור עליית O; שיעור עליית היאורים R³⁴. — שבנו אותה E; שבנו שם A; שבנו R³³. — והוא O³⁷. — אחד A³⁶. — והוא לפני O A³⁵. — לדעת A omits from; היאור — כסה A; נכסה O³⁸. — והוא שתים עשרה אמות ארכו A; העמוד משתים עשרה אמה מורד אדם O; מורד אדם את היאור R; So BM⁴⁰. — כי אם A; היאור אלא O³⁹. — ית' R O add⁴². — ויאמר O⁴¹. — מורד אוהם אדם אחד A; היאור — ויום O adds⁴⁴. — A omits it. — כי after היום R has⁴³.

ואם כסה המים¹ לעמוד² כולו יש שובע³ בכל⁴ מצרים והיאור עולה מעט מעט עד שמכסה הארץ לקצת ט"ו יום⁵: ומי שיש לו שדה שוכר פועלים וחופרים⁶ חפירה גדולה בשרהו ובאים הדגים בעלות המים ונכנסים⁷ בחפירות וכשיחסרו⁸ המים נשארים הדגים בחפירות⁹ ולוקחין אותן בעלי השדות ואוכלים ומוכרים לסוחרים שמוליכין אותן ממולחים בכל¹⁰ מקום. והדגים ההם¹¹ שמנים ביותר וגדולים ומן השומן¹² שלהם מדליקין נרותיהם בארץ ההיא. ואפי' אם יאכל¹³ אדם הרבה מן הדגים קא ושותה¹⁴ | מימי¹⁵ היאור לא יזיק אותו¹⁶ לעולם כי המים מי רפואות להם¹⁷: ושואלין בני אדם מפני מה עולה היאור¹⁸. ואומרי' אנשי מצרים¹⁹ כי למעלה בארץ אל חבש²⁰ והיא²¹ ארץ חוילה יורד²² מטר הרבה בזמן עלות היאור ומרובם הוא עולה היאור²³ ומכסה פני הארץ. ובשעה שאין היאור עולה אינן זורעין והרעב כבד בארצם²⁴. והם זורעין במרחשון לאחר שוב היאור למקומו. ובאדר קוצרים השעור' ובניסן ההטים. ויש להן בניסן²⁵ דברבניות²⁶ ואגסים²⁷ וקשואים ודלועים הרבה²⁸ ופולים וגלבונים ואפונים ומיני ירקות כגון פרפחנים²⁹ וירבוזים³⁰ וקטני'³¹ וחזרת וכוזברתא³² ועולשין וכרובין³³ וכוראתי³⁴ ועכביות³⁵ והארץ מלאה כל³⁶ טוב. והגנות והפרדסי' משקין אותם ממקוה המים ומימי היאור³⁷ נשמט בכ"י [כי היאור] כשיבא למצרים משם יפרד³⁸ לארבעה ראשים שלולית³⁹ אחת הולכת⁴⁰ דרך דמיאט היא כפתור ונופלת⁴¹ שם בים. ושלולית⁴²

— בכל ארץ R O A. — שובע גדול R A. — העמוד A. — 1 R O A. — מכסה היאור R O A. — 2 O A. — נכנסים A. — 3 O A. — לקצת O A. — 4 O A. — וי"ט ימים R. — 5 O A. — בחפירות R. — 6 R. — 7 R. — 8 R. — 9 R. — 10 R. — 11 R. — 12 R. — 13 R. — 14 R. — 15 R. — 16 R. — 17 R. — 18 R. — 19 R. — 20 R. — 21 R. — 22 R. — 23 R. — 24 R. — 25 R. — 26 R. — 27 R. — 28 R. — 29 R. — 30 R. — 31 R. — 32 R. — 33 R. — 34 R. — 35 R. — 36 R. — 37 R. — 38 R. — 39 R. — 40 R. — 41 R. — 42 R. —

שנית הולכת¹ לעיר רשיר² | הקרובה לאסכנדריה³ ונופלת שם לים⁴. קב
 ושלולית⁵ שלישית⁶ הולכת דרך אשמון⁷ ונופלת שם בים. ושלולית
 רביעית הולכת בגבול מצרים. ועל ארבע⁸ ראשים האלו⁹ מדינות וכרכים
 וכפרים מזה ומזה וכל בני אדם הולכים בספינות וביבשה אליהם. ולא יש¹⁰
 ארץ מיושבת כמוה והיא רחבת ידיים מלאה כל¹¹ טוב: וממצרים
 החדשה למצרים הקדומה שתי¹² פרסאות והיא חרבה. ומקום בניין
 החומות והבתים נראים עד היום¹³. וגם אוצרות יוסף ע"ה¹⁴ שם הרבה
 מאד בכל המקומות¹⁵ והם בנויים בסיד¹⁶ ובאבנים¹⁷ בניין¹⁸ חזק מאד¹⁹:
 ויש שם עמוד אחד עשוי בכשוף לא נרא' כמוהו²⁰ בכל הארץ. ושם חוץ
 לעיר כנסת משה רבי' ע"ה מימי קדם. ושם זקן אחד פרנס שמש²¹ של
 כנסת²² והוא תלמיד חכם וקוראין אותו²³ אל שוך אבו אל נצר²⁴.
 ובמצרים²⁵ החרב' כמהלך שלשה מילין. ומשם לארץ גושן ח' פרסאות
 והיא בולבים²⁶. | ושם כמו שלש מאות²⁷ יהודים והיא עיר גדולה. קג
 ומשם חצי יום לעין אל שמס²⁸ והיא רעמסס. והיא חרבה. ושם
 מהבניין שבנו אבותינו²⁹ מגדלים בנויים מלבנים. ומשם יום לאל בוביזיג³⁰
 ושם כמו מאתים יהודים. ומשם חצי יום לבנהא. ושם כמו ששים
 יהודים³¹: ומשם למוניז פתה³² חצי יום ושם ת"ק³³ יהודים: ומשם חצי

R A; לאסכנדריא O³. — אסיה E; רשיר R². — אחר הולך A; שני הולך O¹.
 שלישי O⁶. — ושני A⁵. — בים R O A⁴. — ונופל both continue; לאסכנדריה;
 R O A continue; העיר הגדולה A; העיר R O add⁷. — השלישי הולך A; הולך
 דרך אשמן העיר הגדולה בגבול מצרים ונופלת שם בים. ושלולית רביעית: the
 original text read: הולכים בספינה וביבשה A¹⁰. — הללו R⁹. — ארבעה R O⁸. — הולכת בגבול מצרים
 — הוה A adds¹³. — הקדומה A¹². — מלאה מכל O¹¹. — ואין בארץ ארץ נושבת
 E and Edd. C F A; ובכל המקום O; ובכל המקומות R A¹⁵. — ע"ה R O A omit¹⁴.
 here (after the first מאד); but while Edd. C and F leave that passage of the pillar in
 the singular number to be followed by the plural of בנויים והם, E reads
 — מסיר O¹⁶. — ויש שם עמודים עשויים... כמוהם בכל הארץ A, והוא בני
 — &c. O A; כמוהו R²⁰. — ער מאד R O A¹⁹. — ובנין R O¹⁸. — ואבנים O A¹⁷.
 — O omits. — שמו R²³. — על הכנסת E; הכנסת A²². — שמשו R O²¹.
 R; והיא בולבים BM²⁶. — ומצרים RE²⁵. — אבונצר A; אבונצר R E; אבונצר
 — היא בולסיר סלבים E and Ed. C; היא (בולסיר) בלביש A; היא ביולבאס O omits;
 לעין אלשמס O; לעין אלשמס R²⁸. — שלשה אלפים A; ה מאות R²⁷.
 — עליהם השלום ושם כמו A inserts²⁹. — היא O A continue; לעין אל שמס
 and F; לאל בוביאג Edd. C; לאלבויג E; לאל בודאג A; לאלבובאויג O; לאלבוביזיג
 — O puts; למניספתא R³². — A omits the last passage. — לאל בוביאג
 — למניספתא Edd. C and F; לויפתא A; למניספתא E; למניז פתה before חצי יום
 ושם till the next ושם A omits from this; כמו חק O; ה מאות R³³.

יום לסמנו¹ ושם כמו מאתים יהודים ומשם ד' פרסאות לרמירה².
 ושם כמו תש" ³ יהודים. ומשם ה' ימים ללממנה⁴ ושם כמו חמש
 מאות יהודים⁵: ומשם שני ימים ללאסכנדריא⁶ של מצרים והיא אמון
 מנוא. אבל כשבנה אותה אלכסנדרוס מקדון⁷ קראה על שמו ובנה
 אותה בניין חזק ויפה עד מאד הבתים והארמונים והחומות מבניין יפה עד
 מאד⁸. וחוז' למדינה⁹ מדרש אריסטולוס¹⁰ רבו של אלכסנדר¹¹ ושם
 בניין גדול¹² ועמוד¹³ שיש בין מדרש ומדרש¹⁴ ושם כמו עשרים¹⁵
 מדרשות שהיו באים שם מכל העולם ללמוד שם חכמת אריסטוטל¹⁶ אל
 קד פילוסוף. והעיר בנוייה חלולה¹⁷ | למטה על ידי גשרים ובנה אותה
 בחכמה גדולה¹⁸ וחוצותיה¹⁹ ישרות בתוכה בשוקות שאדם רואה מהם²⁰
 מהלך מיל משער לשער²¹. משער רשיר עד²² שער הים: ושם בנה
 מסילה על הנמל של אסכנדריא²³ דרך מלך²⁴ בתוך ים²⁵. ושם עשה
 מגדל גדול הוא הנקרא²⁶ המנורה²⁷ ובלשון ערב מנאר אלכסנדריא²⁸
 ושם²⁹ על ראש³⁰ המגדל בראי³¹ של זכוכית. וכל הספינות שהולכות
 להלחם בה או³² להזיק לה מארץ יוון או מארץ³³ המערב ממהלך³⁴
 עשרים³⁵ יום היו רואין אותו³⁶ מהמראה³⁷ של זכוכי' והיו שומרי' עצמן
 מהם. עד שהיה יום³⁸ מימים ובאה ספינה אחת³⁹ מארץ יוון לימים
 רבים אחרי מותו של אסכנדר⁴⁰ ושם הספן שורודוס⁴¹ איש יווני⁴² חכם

¹ R לסמני; O transposes and reads יום חצי; A omits; see note 33, p. 668. — ² R לרמירה; O A transpose פרסאות (A ארבע). — ³ A ושם. — ⁴ R ללממנה; O לממנה; E למכלא; A למחלה; Ed. C ללמחלה. — ⁵ R אלכסנדר; O לאלכסנדריא; A לאלכסנדריא. — ⁶ R לאלכסנדריא; O לאלכסנדריא; A לאלכסנדריא. — ⁷ R אלכסנדר; O אלכסנדרוס מקדון; A omits from after אלכסנדריא and continues 'מלך מ'. — ⁸ R עד מאד; A (not Ed. C) omits from the preceding אלכסנדרוס מוקדון. — ⁹ R אלכסנדר; O אלכסנדרוס; E אריסטולוס; A אריסטולוס; O אריסטולוס; R אריסטולוס. — ¹⁰ R אלכסנדרוס; O אלכסנדרוס; E אלכסנדרוס; A אלכסנדרוס. — ¹¹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹² R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹³ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁴ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁵ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁶ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁷ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁸ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ¹⁹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁰ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²¹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²² R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²³ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁴ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁵ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁶ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁷ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁸ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ²⁹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁰ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³¹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³² R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³³ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁴ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁵ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁶ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁷ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁸ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ³⁹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ⁴⁰ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ⁴¹ R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר. — ⁴² R אלכסנדר; O אלכסנדר; E אלכסנדר; A אלכסנדר.

בכל חכמה והיו היוונים משועבדים תחת עול מצרים בימים ההם והביא
האיש ההוא הספן דורון גדול למלך מצרים כסף וזהב ובגדי משי¹. וחנה
לפני המנורה² כי בן³ היה מנהג כל הסוחרים⁴ לחנות שם | ובכל יום קה
ויום היה אוכל עמו⁵ שומר מגדל המנורה הוא ועבדיו עד שמצא חן
בעיניו והיה יוצא ובא כל הימים שם⁶. ויום אחד עשה לו משתה⁷ והשקהו
יין הרבה לו ולכל⁸ עבדיו עד שהיו ישנים כולם וקם הספן ועבדיו⁹ ושברו
המראה והלכו לדרכם בלילה¹⁰ ההוא. ומאותו היום¹¹ והלאה התחילו בני
אדום לבוא שם בספינות וברוגיות גדולות¹². ולקחו¹³ את האי הגדולה
הנקראת¹⁴ קרטאם¹⁵ (sic) וגם קפרוס¹⁶ והם תחת עול יוני' עד היום
הזה נשמש בכ"י [ולא יכלו עוד אנשי מלך מצרים לעצור כח לפני היוונים
עד היום הזה¹⁷]. מגדל המנורה סימן להולכי הים כי כל הבאים
אל אסכנדריא¹⁸ מכל המקומות¹⁹ רואין אותו רחוק²⁰ מהלך מאה
מילין ביום ובלילה מאיר השומר אבוקה²¹ ורואין הספנים האש מרחוק
והולכין כנגדו. והיא ארץ סחורה רובלת לכל²² העמים ומכל מלכות
אדום באים שם מצד אחד²³ | מארץ בניסיה²⁴ ולונברדיא²⁵ קו
וטושכאנה²⁶ ופוליה²⁷ ומלכי²⁸ צקיליה²⁹ וקלבריה³⁰ ורומניה³¹
ובזריה³² וביצינין³³ ואיגוריה³⁴ וכולוריה³⁵ ורקוניה³⁶ וקרוטיה³⁷

¹ R adds וארגמן. — ² A המראה. — ³ O A כן; R omits. — ⁴ O מהסוחרים; R continues שם להיות. — ⁵ R עם. — ⁶ R omits. — ⁷ R adds ביום. — ⁸ R הוא וכל. — ⁹ R ומיד קם הספן ההוא, omitting ועבדיו. — ¹⁰ R ביום. — ¹¹ R ומאותו ההוא. — ¹² R omits גדולות; O A transpose בספינות. — ¹³ R O A insert מידם. — ¹⁴ A omits. — ¹⁵ R O E קריטאם; A קריטס. — ¹⁶ R שהם כיפרוס and continues כיפרוס. — ¹⁷ So R O E A, but O E A have עור instead of עור and read, correctly, ועד, and E A put עוד after. — ¹⁸ R אלקסנדריאה; O אלכסנדריה; A אלכסנדריה. — ¹⁹ R ממחלך; O ממחלך. — ²⁰ R אבוקה. — ²¹ R מאור (מאד) אבוקה; A השומר ורואים הספנים מרחוק. — ²² R אל; A אל אלכסנדריה: מצד אחד. — ²³ A has instead אחד. — ²⁴ R בניסיה; O בניסיה; Ed. Ferrara בלינסיא; A וולינציא; E וולינציא; O וולינציא. — ²⁵ R לומברדיה; E A לומברדיה. — ²⁶ R וטושכנה; O וטושכנה. — ²⁷ R ופיציליה; E ופוליה; O ופוליה. — ²⁸ R ומלכי; A ומלכי. — ²⁹ R וסקיליה; E וסקיליה; O וסקיליה. — ³⁰ R וקלבריה; E וקלבריה. — ³¹ R ורומניה; O ורומניה. — ³² R וזוריה; O וזוריה. — ³³ R וביצינין; O וביצינין. — ³⁴ R ואיגוריה; O ואיגוריה. — ³⁵ R וכולוריה; O וכולוריה. — ³⁶ R ורקוניה; O ורקוניה. — ³⁷ R וקרוטיה; O וקרוטיה.

על יצאת הים הקדש של פשוט ובו סעודת כל מיני עופות וחיות
ורחוק במוטו ויחל בכרובת הקדמונים קורב למביל ואורח הקב
ט"ו ידעת ורחבן משה ודעות וסם בלכס נרדואה כמו ג' אף
יהודים " ומשם חסד יום לויתבך והם זרעם פשתים
ואחרים חור ומוחלן לכל העולם " ומשם ג' ימים
לפרורים וחסונם שם בצ ערב ואין שם יהודים "
ימשם ג' יום רחוק ים למסינה היא תחלת סעיליאה והיא
יושבת על הדרוע הטף ליכר היא קלברואה ים כמו מאתם
יהודים והיא ארץ מלאה כל עוב וגבות ופרדסים ים מתקן
מתקבצים רוב התועים לעביר ליוחלם כי סם המעבר
הטוב " ומשם עבירים לארץ יומה י ימים "
תכן יומה לליבה ה ימים רחוק יבשה ועבדן מים היו יוב
ומוריאנה ומעברות אנטליה י ימים לעד בדרון היו
תחלת ארץ אמנייה והם חסבים על כהר רועה תגדיל מעד
קולוניא שיהיה רחבי מלכות יער עיר לעבדיוק קצה אמנייה
מתלך ט"ו ימים הנה ארץ חסמן " ואילו סם המדינות
סבארץ אמנייה קונפלים ואטרנה יבנה וקולונייה ובינה
וערי ובדיק ורועירש בדיק קצה המלכות ובאלה המדינות
הרבה מיסרץ חסמן " שירים ומשם והלאה ארץ בלב
היה תלך הנה קדנה והיא תחלת ארץ אסקלונא ים כמו
ק' יהודים הדורים בארץ כגון בסביל חסני הארץ ים
תמצאו החיות והצחמים והסבילים ואין יצא חרם מרלתי
ביתו בימי הקורח מפני הקור ושר הנה מלכות חסניאה ומלכות
פריסיה שיהיה ארץ צרפת מעד אכר ער פריסיה המדינה
קדוולה מהלך שישה ימים והיא למלך לואיסי והיא יושבת
על כהר שינה ים תלמודי חסמן אין סמיתם בכל הארץ

ואספל דורה¹ ורוסיה² ואל מאניה³ ושישויאה⁴ ודנא
מרקא⁵ וגורלביאה⁶ וארננדי⁷ וטראנה⁸ ופרישה⁹ ואשכוציאה¹⁰
ואינגלטירה¹¹ וגלש¹² ופלנדריש¹³ ורוטר¹⁴ ונורמנדיה¹⁵
ופרנציה¹⁶ ופיטו¹⁷ ואנגו¹⁸ וברגונה¹⁹ ומוריאנה²⁰ ופרובינצה²¹
ווינובי²² ופיסה²³ וגשקוניה²⁴ וארנגון²⁵ ונבארה²⁶. ומצר המערב
לישמעאל²⁷ אל אנדלס²⁸ ואל ערוה²⁹. ואפריקיה³⁰. וארץ ערב³¹.
ומצר אחר הודו³² וזוילה³³ ואל חבש ולוביאה³⁴ ואל ימן³⁵
ושנער ואל שאם³⁶. ויוון הנקראים גריגוש³⁷. ואל תורכ³⁸. ושם
מביאין סוהרי הודו³⁹ מכל מיני בשמים וסוהרי⁴⁰ אדום קונים מהם.
והעיר הומיה לסחורה⁴¹. ולכל אומה ואומה פונדוק⁴² בפני עצמה: ויש
שם על שפת הים קבר אחד של שיש ובו מצויירים⁴³ כל מיני חיות
ועופות ודיוקנו בתוכו⁴⁴. והכל בכתיבת הקדמונים⁴⁵ ואין אדם מכיר
קן הכתיבה. ואומרי⁴⁶ מסברא שהיה מלך בימי הקדמונים⁴⁷ | קודם המבול.
ובאורך⁴⁸ הקבר ט"ו זרתות⁴⁹ וששה ברחבו⁵⁰: ושם באל אסכנדריא⁵¹

¹ R ורוסיה; O ורוסיה; E ואספאמייא; A ואספאמייא. — ² R ורוסיה; O ורוסיה; E ואספאמייא; A ואספאמייא. — ³ R ואלמאני; E ואלמאני; O ואלמאני; A ואלמאני. — ⁴ R ושישויאה; O ושישויאה; E ושישויאה; A ושישויאה. — ⁵ R omits; O = text; E ושישויאה; O ושישויאה; E ושישויאה; A ושישויאה. — ⁶ R וגורלביאה; O וגורלביאה; E, Edd. and A omit from 6 to 11. — ⁷ R וטראנה; O וטראנה; A וטראנה. — ⁸ R ופרישה; O ופרישה; A ופרישה. — ⁹ R ואשכוציאה; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁰ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹¹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹² R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹³ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁴ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁵ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁶ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁷ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁸ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ¹⁹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁰ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²¹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²² R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²³ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁴ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁵ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁶ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁷ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁸ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ²⁹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁰ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³¹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³² R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³³ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁴ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁵ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁶ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁷ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁸ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ³⁹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁰ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴¹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴² R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴³ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁴ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁵ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁶ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁷ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁸ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁴⁹ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה. — ⁵⁰ R omits; O ואשכוציאה; E ואשכוציאה; A ואשכוציאה.

כמו שלשת אלפים יהודים¹: ומשם שני ימים לדאמיט² היא כפתור ושם
 כמו מאתים יהודים³ והיא על שפת הים: ומשם יום אחד לסימסים⁴.
 ובה כמו מאה יהודים: ומשם חצי יום לסונבט⁵ והם זורעים פשתן
 ואורגים חורי⁶ ומוליכין אותו בכל⁷ העולם. ומשם ארבעה ימים
 לאילאם⁸ היא אלילים⁹ והיא לבני ערב החונים במדבר: ומשם שני
 ימים לרפידים יושבים¹⁰ שם בני ערב ואין שם יהודים¹¹: ומשם¹²
 יום להר סיני ובראש ההר במה גדולה¹³ לכומרים הגדולים¹⁴ הנקראים
 שוריאנים¹⁵. ובתחתית ההר כרך גדול וקורין אותו¹⁶ טור סיני כי
 יושביו¹⁷ מדבריו בלשון תרגום. והוא הר קטן¹⁸ רחוק ממצרים חמשה¹⁹
 ימים והם תחת עול מצרים. ורחוק מהר סיני דרך יום נשמת בכ"י [ים סוף]²⁰
 והוא זרוע מים הודו ונחזור²¹ לדמינאט²² ומשם דרך יום²³ לטאנס²⁴
 היא חנם ושם כמו מ' יהודים והיא²⁵ אי בתוך הים²⁶ ועד הנה | מלכות קח
 מצרים²⁷. ומשם דרך ים עשרים יום למסינא²⁸ היא תחילת צקיליה²⁹
 היא יושבת³⁰ על הזרוע³¹ הנקרא לופאר הוא חולק בינה ובין קלבריא³².
 ושם כמו מאתים יהודים. והיא ארץ מלאה מכל³³ טוב וגנות ופרדסים
 ושם מתקבצים רוב הטועים³⁴ לעבור לירושלם כי שם המעבר הטוב³⁵:

¹ A ישראל. — ² R omits this passage; O A לרמיאט. — ³ A ישראל, and omits thence to the end of the next passage. — ⁴ Or possibly לסימסים; O לסימסים (or לסימסים), either the ב has been corrected into ס or vice versa; R A omit this passage. — ⁵ R לוונבט; A לסונבאט; O A have לוונבט. — ⁶ A חור. — ⁷ R כל; O ומוליכין לכל. — ⁸ R omits this passage till במדבר; O לאילאם; E and Ed. F לאילאם. — ⁹ O A אלילים. — ¹⁰ R O A ויושבים. — ¹¹ R = text; O בנה יהודים; A בנה ישראל. — ¹² R omits all about Sinai and further till מלכות מצרים. — ¹³ A omits. — ¹⁴ O A omit. — ¹⁵ Ed. C סורינים. — ¹⁶ O קורין לו; A וקוראין אותן. — ¹⁷ A ויושביו. — ¹⁸ O קטן. — ¹⁹ O omits, (ה?). — ²⁰ BM omits till the next יום דרך (see note 23); the missing words are supplied from O; (for R see note 12); A has ים סוף. — ²¹ A ויחזור. — ²² E למסינא (see note 2). — ²³ E דרך ים ביה; Edd. C and A דרך ים; O explains best the lapse in text. — ²⁴ O לטאנס; E and Ed. C לטאנס; A למנים. — ²⁵ A ישראל והיא. — ²⁶ O ים. — ²⁷ Till here is wanting in R. — ²⁸ R למסינא; O למסינא; E למסינא; E and Ed. continue האי instead of היא. — ²⁹ R סקיליה; O אי צקיליה; E איסקאליה; A איסקאליה. — ³⁰ R היא יושבת; A היא, without. — ³¹ O הזרוע. — ³² R לוניר הוא חולק בין קלבריה; O ושם, continuing, לוניר היא קלבריה. — ³³ R כל. — ³⁴ R and A לוניץ הוא החולק בין קלוריה ובין איסקאליה; E ובין סקיליה. — ³⁵ R omits here till the middle of p. קט of Ed. A, resuming with רומה.

ומשם למדינת פלירמו היא העיר הגדולה כמהלך שני ימים. ושם ארמון
מלך גליאלמו¹ ובה כמו אלף וחמש מאות יהודים ואדום וישמעאל²
הרבה וארץ מעיינות ונחלי מים וחטה ושעורה וגנות ופרדסים ואין כמוה³
בכל אי צקליה⁴ כי היא מדינת גן⁵ המלך הנקרא אל חרבינה⁶. ושם
מכל מיני אילנות של פירות⁷. ובתוכו מעיין גדול וסבבו אותו חומה
ועשו שם בית⁸ הנקרא אל בחירה⁹. ושם מיני דגים הרבה. ושם
קט ספינות למלך מצופות כסף וזהב ויבא בהם | המלך לטייל נפשו הוא
ונשיו. וגם שם בגן ארמון גדול ובניין הכותלים¹⁰ מצוייר¹¹ ומצופה¹² בזהב
ובכסף. ורצפת¹³ הקרקעות¹⁴ אבני שיש מרוצפות¹⁵ בזהב ובכסף מכל
מיני ציור¹⁶ בעולם ובבניין¹⁷ הארץ ההיא לא נראה כבניין ההוא.
והאי תחילתו מסינא¹⁸. ובה מכל מערני עולם והולכות¹⁹ עד
סרקוסה²⁰ ומזארה²¹ וקטאניה²² ופיטראלייה²³ וטראפנה²⁴ מהלך
ששה ימים באי ובטראפנה²⁵ ימצא אבן קוראל²⁶ והוא אל מרגאן²⁷;
ומשם²⁸ עוברים לארץ רומה עשר²⁹ ימים ומקרומה דרך יבשה ה' ימים
ללובה³⁰; ומשם עוברים הר יווני ומוריאנה³¹ ומעברות איטליא³²
וב' ³³ יום לברדון³⁴ היא תחילת ארץ אל מאנייה³⁵ ארץ הרי' וגבעו' וכל

ומשם מהלך שני ימים למדינת פלירמו (פלירמה E) היא עיר reads A; גלאמו O¹ — גדולה כמהלך שני מילין באורך ושנים ברוחב ושם ארמון גדול ממלך גוליימו (גולילמא E). — ² O E וישמעאל. — ³ O A כמוה. — ⁴ A סקליה. — ⁵ A סגן (likewise E and Ed. C); O reads מדינת המלכות ושם גן (? omitted היא). — ⁶ A reads מיני אילנות; E הנקרא אל חרבינה; A הנקרא אלחוצינה; אלחוצינה וסבבו אותה חומה (וסובב אותה החימה E) A has; ועשו ביה O⁸. — ושם כל מיני אילני פירות. — ⁹ O adds [?]; E אלבכירה; A אלבכירה. — ¹⁰ O adds [?]; E אלבכירה; A אלבכירה. — ¹¹ O A הקרקע. — ¹² O וברצפת. — ¹³ O ומצופים A. — ¹⁴ O A reads after שיש מיני ציורין, שיש (E) מכל מיני ציורין, שיש (E) מצופות. — ¹⁵ A reads ממסינה; E ממסיני; A ממסיני. — ¹⁶ O שבעולם ובנין E and Ed. C; שבעולם ובכל. — ¹⁷ O סרקוסה; E סרקוסה. — ¹⁸ O ובה כל מעברי עולם (העולם E) והולכות A. — ¹⁹ O קטאניה; E קטאנייה; A קטאנייה. — ²⁰ O ומוריאנה; E ומאוריה; A ומוריאנה. — ²¹ O ופטרליה; E ופטרליה; A ופטרליה (A quotes C wrongly); E ופטרליה. — ²² O הקוראל; E הקוראל. — ²³ O A ושם בטראפנה; A ושם בטראפנה. — ²⁴ O ועטרפה. — ²⁵ O שלשה A. — ²⁶ R resumes from ומשם. — ²⁷ A דרך יבשה ה' ימים; A transposes ימים; R דרך יבשה ה' ימים. — ²⁸ R O מוריאנה; A מוריאנה; E מוריאנה. — ²⁹ R O אשנייה; A אשנייה; E אשנייה (not E). — ³⁰ R O אשנייה; A אשנייה; E אשנייה. — ³¹ R O אשנייה; A אשנייה; E אשנייה. — ³² R O אשנייה; A אשנייה; E אשנייה. — ³³ R O אשנייה; A אשנייה; E אשנייה. — ³⁴ R O אשנייה; A אשנייה; E אשנייה. — ³⁵ R O אשנייה; A אשנייה; E אשנייה.

קהלות אל מאנייה¹ הם יושבים על נהר רינוס² הגדול מעיר קולונייה³ שהיא ראש המלכות ועד עיר רנשבורק⁴ קצה אלמאניה⁵ מהלך ט"ו יום הנקראת אשכנז⁶. ואילו | הם המדינות⁷ בארץ אלמאניה⁸ שיש קי להם קהלות מישר⁹ מסתיורכש¹⁰ על נהר משילה¹¹ וקופלינס¹² ואגדר ובה¹³ ובונה¹⁴ וקולונייה¹⁵ ובינגא¹⁶ מינסר¹⁷ וגרמישא¹⁸ [ומשתראן וכל ישראל מפוזרים כלם בכל ארץ וארץ וכל מי שיבטל שלא יתקבץ ישראל אינו רואה סימן טוב ולא יהיה עם ישראל ובעת שהשם יפקוד על גלותינו וירם קרן משיחו אז כל אחד ואחד אומר¹⁹ אני אוליך את היהודים ואני אקבצם והמדינות האלו יש בהם תלמידי חכמים וקהלות אוהבים את אחיהם ודוברים שלום לכל הקרובים והרחוקים ואם יבא אליהם אכסנאי שמחים בו ועושים לו משתה ויאמרו²⁰ שמחו אחינו כי ישועת השם כהרף עין ולולא שאנחנו מפחדים שלא בא הקץ ולא הגיע אנחנו היינו מתקבצים אבל לא נוכל עד שיגיע עת הזמיר וקול התור ויבאו המבשרים ויאמרו תמיד יגדל השם²¹ והם שולחים | כתבים קיא אחד לאחד ואומרים להם התחזקו בדת משה ואבילי ציון ואבילי ירושלם יבקשו רחמים מלפני השם ויתחננו לובשי בגדים שחורים בזכותם וכל אלו המדינות בארץ אלימניא שזכרנו ועוד יש] ואשתרן בורק²² ובוירסבורק²³

¹ A and omits the next word הם; R continues והם (adaptation after dittolepsy). — ² R רינוס. — ³ O קולונייה; RA קולוניא; E קולוניא. — ⁴ אלמניא; R קשובורגי; E קשנבורק; A רינשבורק; O מלכות ועד עיר רנשבורק. — ⁵ אלמניא; R קשובורגי; E קשנבורק; A רינשבורק; O מלכות ועד עיר רנשבורק. — ⁶ ROA insert ארץ. — ⁷ A מדינות. — ⁸ O as in note 35, p. 673. — ⁹ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁰ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹¹ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹² R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹³ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁴ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁵ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁶ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁷ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁸ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ¹⁹ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ²⁰ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ²¹ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ²² R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא. — ²³ R omits from מישראל שיש בהם יהודים וקהלות O; משילה till after שיש E; A אלמניא; E אלימניא; O שבארץ אלמניא.

ומרנטרק¹ ובנבירק² ובסינגש³ ורנשבורק⁴ קצה המלכות. ובאלו המדינות הרבה מישראל⁵ חכמים ועשירים: ומשם והלאה ארץ בהם והיא הנקראת פרגא⁶ היא תחלת ארץ אשכלבוניה⁷. וקוראים אותה היהודים הדרים שם⁸ כנען⁹. בשביל שאנשי הארץ ההיא מוכרים בניהם ובנותיהם לכל האומות הם¹⁰ אנשי רוסיה. והיא¹¹ מלכות גדולה משער פרגה¹² ועד שערי פיו¹³ העיר הגדולה היא בסוף המלכות והיא ארץ הרים ויערים ושם ימצאו החיות של הויר והגרים והסנבלינש¹⁴. ואין אדם יוצא מדלתו¹⁵ ביתו | בימי החורף מפני הקור¹⁶ ויש שם בני אדם שנופלים להם ראש האף מרוב הקור¹⁷. ועד הנה מלכות רוסיה¹⁸: ומלכות פרנסינה¹⁹ שהיא²⁰ צרפת מעיר אל סור²¹ ועד פריש²² המדינה הגדולה²³ ששה ימים והיא למלך לוואיש²⁴. והיא יושבת על נהר שנה²⁵. והם²⁶ תלמידי חכמים אין כמותם²⁷ בכל הארץ עוסקים בתורה יומם ולילה. והם בעלי מצות ובעלי אכסניא²⁸ לכל עובר ושב. אחים²⁹ ורעים עם כל אחיהם היהודים האל ית'³⁰ ירחם עלינו ועליהם: תם ונשלם³¹:

[illegible]

R has the following after the end of the Book :—

אורך ה בכל לבני אספרה כל נפלאותיך
בעוד כי נשמתי בי אתן שבה והודאה לפניך
ואני הצעיר. קטן שבצעיר. על כל גדול וצעיר. יהיה יודע
היום יום ה נקרא. יום דין אותו קרא. השלמתי ספר הנקרא. בנימן יודע
י"ח במרחשון. חודש הממון. ? [קפ"ט] ט בט"ו ימים נתכוון. ? נעפיה ה יודע
כפי הנראה זה ספר ר' בנימין אינו השלמתו הנה אבל אני לא מצאתי
כמנו יותר בהצחק

The Colophon shows an erasure where the date was written ; probably קפ"ט, i. e. 1428 was originally there, and indeed the MS. shows traces of all the three letters. The date, Thursday the 18th Heshwan, 5189 = 1428, is consistent with other colophons written by the same scribe, Isaac of Pisa, in the same Codex, notably with one which is dated Monday 20th Tebet, 5189—two months later. Mr. E. N. Adler suggests that the name of the itinerary was בנימן יודע, not inappropriate to a description of travels, having regard to the passage in Ps. ciii. 7, יודע ורכיו. The full name of the scribe is יצחק ישר' כפיסה בנמיה"ר מנחם

Before closing these notes it may be convenient to correct some of the variants from the Constantinople and Ferrara editions given frequently at the foot of the text in Asher's edition.

The following is a list of Errata :—

page	ה' in lieu of	the reading in C is	קבוץ	טעות
"	י'	"	לי	לו
"	י'ר	"	הרוצים	הטועים
"	כ'ו	"	אמונת	אמונת
"	כ'ו	"	כננת	כננת
"	ל'א	"	הנודרים	התועים
"	ל'ב	"	אינפירור	אינפירור
"	"	"	קיסריה	קיסריה
"	ס'ה	"	לאגור	לאגור
"	ק'ג	"	סלבים	סלבים
"	ק'ו	"	וגשקונת	וגשקונת
"	קט'	"	ופלטריאה	ופלטריאה
"	קי'	"	ואורכנה	ואורכנה
"	קי'א	"	פין	פיו
"	ל'ה	"	הנודרים	the entire passage is omitted in F.
"	מ'א	"	יהולכים	the reading in F is לבאים
"	ק'ו	"	והישר	והישר

The departures from either of these texts not specially mentioned are numerous.

פוסקים בטהרה יומם לילה וסגלי מצות הם יגב בעלי י
 מכבדיה לכל עובר ושכ כלם אחים ודעים עב כל אחי /
 אחיהם היהודים רב יעקב שם לבורא עולם

אחד ה בכל לבבי	אספרה כל כפלאי
בעוד כי עמתי ברי	אין שבת והוראה לפניך

יאמי העמתי קטן שבדעת על כל גדול וטעור יהיה ידוע
 היום יום ה נקרא יום דין אותו קרא השלמה כפר הטקרא בעמין ידוע
 יה במרחשון חודש המסון שנה ימים נכיון : עמתי ה ידוע

כפר הנראה זה כפר ד בעמין אינו השלמה
 הנה אבל אני לא מצאיה ממנו ידוע בהערת

TRANSLATION.

Thence to Al-Gingaleh is a voyage of fifteen days and about 1,000 Israelites dwell there. Thence by sea to Chulan is seven days; but no Jews live there. From there it is twelve days to Sebid, where there are a few Jews. From there it is eight days' journey to India which is on the mainland, called the land of Aden, and this is the Eden which is in Thelasar¹. The country is mountainous. There are many Israelites here and they are not under the yoke of the Gentiles, but possess cities and castles on the summits of the mountains, from which they make descents into the plain-country called Lybia which is a Christian Empire. | These are the Lybians of the land of Lybia, p. 96 with whom the Jews are at war. The Jews take spoil and booty and retire to the mountains and no man can prevail against them. Many of these Jews of the land of Aden come to Persia and Egypt².

¹ Neither Al-Gingaleh nor Chulan can be satisfactorily identified. Benjamin has already made it clear that to get from India to China takes sixty-three days, that is to say twenty-three days from Khulam to Ibrig, and thence forty days to the sea of Nikpa. The return journey, not merely to India but to Sebid, which Abulfeda and Alberuni call the principal port of Yemen, seems to take but thirty-four days. With regard to Aden, the port long in England's possession, and the so-called first outpost of the Indian Empire, it has already been explained (p. 72) that this part of Arabia as well as Abyssinia on the other side of the Red Sea were considered part of Middle India. Ibn Batuta says about Aden: "It is situated on the sea-shore and is a large city, but without either seed, water, or tree. They have reservoirs in which they collect the rain for drinking. Some rich merchants reside here and vessels from India occasionally arrive." A Jewish community has been there from time immemorial. The men until recent times used to go about all day in their Tephillin. Jacob Saphir devotes chaps. i-x of his *Eben Saphir*, vol. II, to a full account of the Jews of Aden.

² We must take Benjamin's statements here to mean that the independent Jews who lived in the mountainous country in the rear of Aden crossed the Straits of Bab-el-Mandeb and made war against the inhabitants of the Plains of Abyssinia. J. Lelewel, in a series of letters addressed to E. Carmoly, entitled *Examen géographique des Voyages de Benjamin de Tudèle* (Bruxelles, 1852), takes great pains to locate the land of Hommatum ארץ המצור, in lieu of which our text reads ארץ המישור, the land of the Plains; but he quite fails in this and in many other attempts at identification. The Jews coming from Aden had to encounter the forces of the Christian sovereign of Abyssinia, and sought safety in the mountainous regions of that country. Here they were

Thence to the land of Assuan is a journey of twenty days through the desert. This is Seba on the river Pishon (Nile) which descends from the land of Cush¹. And some of these sons of Cush have a king whom they call the Sultan Al-Habash. There is a people among them who, like animals, eat of the herbs that grow on the banks of the Nile and in the fields. They go about naked and have not the intelligence of ordinary men. They cohabit with their sisters and any one they find. The climate is very hot. When the men of Assuan make a raid into their land, they take with them bread and wheat, dry grapes and figs, and throw the food to these people, who run after it. Thus they bring many of them back prisoners, and sell
p. 97 them | in the land of Egypt and in the surrounding countries. And these are the black slaves, the sons of Ham.

From Assuan it is a distance of twelve days to Haluan where there are about 300 Jews. Thence people travel in caravans a journey of fifty days through the great desert called Sahara, to the land of Zawilah, which is Havilah in the land of Gana². In this desert there are mountains of sand, and when the wind rises, it covers the caravans with the sand, and many die from suffocation. Those that escape bring back with them copper, wheat, fruit, all manner of lentils, and

heard of later under the name of Falasha Jews. Cf. Marco Polo, vol. III, chap. xxxv. The reader is referred to Colonel Yule's valuable notes to this chapter. He quotes Bruce's *Abstract of Abyssinian Chronicles* with regard to a Jewish dynasty which superseded the royal line in the tenth century. See also Dr. Charles Singer's interesting communication in *J. Q. R.*, XVII, p. 142, and J. Halevy's *Travels in Abyssinia* (Miscellany of Hebrew Literature : 2nd Series, p. 175).

¹ Assuan, according to Makrizi, was a most flourishing town prior to 1403, when more than 20,000 of its inhabitants perished. Seba cannot be identified. No doubt our author alludes to Seba, a name repeatedly coupled in Scripture with Egypt, Cush and Havilah.

² Haluan is the present Helwan, fourteen miles from Cairo, which was greatly appreciated by the early Caliphs for its thermal sulphur springs. Stanley Lane Poole, in *The Story of Cairo*, p. 61, tells us of its edifices, and adds : "It is curious to consider how nearly this modern health-resort became the capital of Egypt." Helwan is situated on the right bank of the Nile. One would have thought that the caravans proceeding to the interior of Africa through the Sahara Desert would have started from the left bank of the Nile ; but we must remember that ancient Memphis, which stood on the left bank and faced Haluan, had been abandoned long before Benjamin's time. Edrisi and Abulfeda confirm Benjamin's statement respecting Zawila or Zaouyla, which was the capital of Gana—the modern Fezzan—a large oasis in the Sahara Desert, south of Tripoli.

salt. And from thence they bring gold, and all kinds of jewels. This is in the land of Cush which is called Al-Habash on the western confines¹. From Haluan it is thirteen days' journey to Kutz which is Cush, and this is the commencement of the land of Egypt. At Kutz there are 300 Jews². Thence it is three miles to Fayum, which is Pithom, where there are 200 Jews; and unto this very day one can see ruins of the buildings which our forefathers erected there³.

Thence to Mizraim is a journey of four days. |

This Mizraim is the great city situated on the banks of the Nile, p. 98 called Pison or Al-Nil⁴. The number of Jewish inhabitants is about

¹ This sentence is out of place, and should follow the sentence in the preceding paragraph which speaks of the Sultan Al-Habash.

² Kutz, the present Kus, is halfway between Keneh and Luxor. The old town, now entirely vanished, was second in size to Fostat, and was the chief centre of the Arabian trade. Our text is quite wrong as to the distance of Kus from Fayum, which is nearly 400 miles.

³ In the Middle Ages the Fayum was wrongly called Pithom. E. Naville has identified the ruins of Tell-el-Maskhuta near Ismailieh with Pithom, the treasure city mentioned in Exodus i. 11. Among the buildings, grain-stores have been discovered in the form of deep rectangular chambers without doors, into which the corn was poured from above. These are supposed to date from the time of Rameses II. See *The Store City of Pithom and the Route of the Exodus: A Memoir of the Egypt Exploration Fund*. E. Naville, 1885. The Fayum, or Marsh-district, owes its extraordinary fertility to the Bahr Yussuf (Joseph's Canal).

The Arab story is that when Joseph was getting old the courtiers tried to bring about his disgrace by inducing Pharaoh to set him what appeared to be an impossible task, viz. to double the revenues of the province within a few years. Joseph accomplished the task by artificially adapting a natural branch of the Nile so as to give the district the benefit of the yearly overflow. The canal thus formed, which is 207 miles in length, was called after Joseph. The storehouses of Joseph are repeatedly mentioned by Arabic writers. Cf. Koran xii. 55, *Jacut*, IV, 933 and *Makrizi*, I, 241.

⁴ Mr. Israel Abrahams, in *J. Q. R.*, XVII, 427 sqq., and Mr. E. J. Worman, vol. XVIII, 1, give us very interesting information respecting Fostat and Cairo, as derived from Geniza documents, but fully to comprehend Benjamin's account we must remember that at the time of his visit the metropolis was passing through a crisis. Since March, 1169, Saladin had virtually become the ruler of Egypt, although nominally he acted as Vizier to the Caliph El-Adid, who was the last of the Fatimite line, and who died Sept. 13, 1171, three days after his deposition. Reference is made to the interesting biography of Saladin by Mr. Stanley Lane Poole, 1878. Chap. viii gives a full account of Cairo as at 1170

7,000. Two large synagogues are there, one belonging to the men of the land of Israel and one belonging to the men of the land of Babylon. The synagogue which belongs to the men of Palestine is called Kenisat-al-Schamiyyin, and the synagogue of the men of Babylon is called Kenisat-al-Irakiyyin. Their usage with regard to the portions and sections of the Law is not alike; for the men of Babylon are accustomed to read a portion every week, as is done in Spain, and is our custom, and to finish the Law each year; whilst the men of Palestine do not do so, but divide each portion into three sections and finish the Law at the end of three years. The two communities, however, have an established custom to unite and pray together on the day of the Rejoicing of the Law, and on the day of the Giving of the Law¹. Among the Jews is Nethanel the Prince of Princes and the head of the Academy, who is the head of all the congregations in Egypt²; he appoints Rabbis and officials, and is

and is accompanied by a map. The well-known citadel of Cairo, standing on the spurs of the Mukattam Hills, was erected by Salādin seven years later. The Cairo of 1170, which was styled El Medina, and was called by Benjamin צומן הכרמה, was founded in 969, and consisted of an immense palace for the Caliph and his large household. It was surrounded by quarters for a large army, and edifices for the ministers and government offices. The whole was protected by massive walls and imposing Norman-like gates. The civil population—more particularly the Jews—dwelt in the old Kasr-esh-Shama quarter round the so-called Castle of Babylon, also in the city of Fostat, founded in 641, and in the El-Askar quarter, which was built in 751. These suburbs went under the name of Misr or Masr, but are called by Benjamin "Mizraim." Fostat was set on fire on Nov. 12, 1168, by the order of the Vizier Shawar, in order that it might not give shelter to the Franks who had invaded Egypt, but was soon rebuilt in part. It now goes under the name Masr-el-Atika, and is easily traced at the present day by its immense rubbish heaps. See Stanley Lane Poole's *Cairo*, p. 34.

¹ Cf. two elaborate papers by Dr. A. Büchler, "The Reading of the Law and Prophets in a Triennial Cycle," *J. Q. R.*, V, 420, VI, 1, and E. N. Adler, *ib.* VIII, 529. For details as to synagogues, see *J. Q. R.*, XVIII, 11; Letter 1 of R. Obadja da Bertinoro; *Miscellany of Hebrew Literature*, p. 133; Joseph Sambari's Chronicle in Dr. Neubauer's *Anecdota Oxoniensia*, p. 118. Sambari must have had Benjamin's *Itinerary* before him, as has been pointed out by Mr. I. Abrahams, *J. Q. R.*, II, 107.

² Zunz was the first to put forward the supposition that R. Nethanel is identical with Hibet Allah ibn al Jami, who later on became Saladin's physician, Asher, vol. II, p. 253. Grätz, vol. VI, p. 307, inclines to the same view. Dr. Steinschneider, *Die arabische Literatur der Juden*, 1902, p. 178, confirms this opinion, and gives a detailed account of Hibet Allah's medical and philosophical works. Much has been written

attached to the court of the great King, who lives in his palace of Zoan el-Medina, which is the royal city for the Arabs. Here resides the Emir al Muminin, | a descendant of Abu 'Talib. All his subjects p. 99 are called "Alawiyyim¹," because they rose up against the Emir al Muminin al Abbasi (the Abbaside Caliph) who resides at Bagdad. And between the two parties there is eternal feud, for the former have set up a rival throne at Zoan.

Twice in the year the Egyptian monarch goes forth, once on the occasion of their great festival, and again when the river Nile rises. Zoan is surrounded by a wall, but Mizraim has no wall, for the river encompasses it on one side. It is a great city, and it has market-places as well as inns in great number. ~~The~~ Jews that dwell there are very rich. No rain falls, neither is ice or snow ever seen. The climate is very hot.

The river Nile rises once a year in the month of Elul; it covers all the land, and irrigates it to a distance of fifteen days' journey. The waters cover the surface of the land during the months of Elul and Tishri to irrigate and to fertilize it.

The inhabitants have a pillar of marble, erected with much skill, in order to ascertain the extent of the rise of the Nile. It stands in the front of an island in the midst of the water, and is twelve cubits high². When the Nile rises and covers the column, | they know that p. 100

respecting the office of Nagid and the title of Prince of Princes as applied among others to R. Nethanel. Dr. Neubauer, in an article, *J. Q. R.*, VIII, 541, draws attention to a Geniza fragment which contains a marriage contract dated 1160, wherein R. Nethanel is called a Levite. Benjamin here does not so style him. Among the predecessors and successors of R. Nethanel were men who, as in his case, combined the dignity of head of the Jews of Egypt with that of physician and adviser to the Caliph. See Dr. Schechter's *Saadyana* and Dr. Bacher's article, *J. Q. R.*, XV, 79, and *ib.*, IX, 717.

¹ This term (which is not given in the printed editions) means that the people were followers of Ali, the son-in-law of Mohammed, founder of the Shiite sect.

² This same Nilometer is readily shown to the visitor at the south end of the Island of Roda, which is accessible by means of a ferry-boat from the Kasr-esh-Shama, not far from the Kenisat Eliyahu, where the Geniza manuscripts were found. See E. N. Adler's *Jews in Many Lands*, p. 28, also *J. Q. R.*, IX, 669. The Nilometer is in a square well 16 feet in diameter, having in the centre a graduated octagonal column with Cufic inscriptions, and is 17 cubits in height, the cubit being $21\frac{1}{3}$ inches. The water of the Nile, when at its lowest, covers 7 cubits of the Nilometer, and when it reaches a height of $15\frac{2}{3}$ cubits the Sheikh of the Nile proclaims the Wefa, i. e., that the height of the water necessary for irrigating

the river has risen and has covered the land for a distance of fifteen days' journey to its full extent. If only half the column is covered the water only covers half the extent of the land. And day by day an officer takes a measurement on the column and makes proclamation thereof in Zoan and in the city of Mizraim, proclaiming: "Give praise unto the Creator, for the river this day has risen to such and such a height"; each day he takes the measurement and makes his proclamation. If the water covers the entire column, there will be abundance throughout Egypt. The river continues to rise gradually till it covers the land to the extent of fifteen days' journey. He who owns a field hires workmen, who dig deep trenches in his field, and fish come with the rise of the water and enter the trenches. Then, when the waters have receded, the fish remain behind in the trenches, and the owners of the fields take them and either eat them or sell them to the fishmongers, who salt them and deal in them in every place. These fish are exceedingly fat and large, and the oil obtained from them is used in this land for lamp-oil. Though a man eat a great quantity of these fish, if he but
 p. 101 drink | Nile water afterwards they will not hurt him, for the waters have medicinal properties.

People ask, what causes the Nile to rise? The Egyptians say that up the river, in the land of Al-Habash (Abyssinia), which is the land of Havilah, much rain descends at the time of the rising of the river, and that this abundance of rain causes the river to rise and to cover the surface of the land¹. If the river does not rise, there is no sowing, and famine is sore in the land. Sowing is done in the month of Marheshwan, after the river has gone back to its ordinary channel. In the month of Adar is the barley harvest, and in the month of Nisan the wheat-harvest.

In the month of Nisan they have cherries, pears, cucumbers, and every part of the Nile valley has been attained. The signal is then given for the cutting of the embankment. We know that the column of the Nilometer has been frequently repaired, which fact explains the apparent discrepancy between the height of the gauge as given in Benjamin's narrative and the figures just mentioned.

¹ It has only been established quite recently that the periodical inundations of the Nile are not caused by the increased outflow from the lakes in Central Africa, inasmuch as this outflow is quite lost in the marshy land south of Fashoda. Moreover, the river is absolutely blocked by the accumulation of the Papyrus weed, known as Sudd, the סוף of Scripture, Ex. ii. 3-5. The inundations are brought about purely by the excessive rains in the highlands of Abyssinia, which cause the flooding of the Blue Nile and the Atbara in June and July and of the lower Nile in August and September.

gourds in plenty, also beans, peas, chickpeas, and many kinds of vegetables, such as purslane, asparagus, pulse, lettuce, coriander, endive, cabbage, leek, and cardoon. The land is full of all good things, and the gardens and plantations are watered from the various reservoirs and by the river water.

The river Nile, after flowing past (the city of) Mizraim, divides into four heads: one channel proceeds in the direction of Damietta, which is Capthor¹, where it falls into the sea. The second channel flows to the city of Reshid (Rosetta), | which is near Alexandria, and there falls p. 102 into the sea; the third channel goes by way of Ashmun, where it falls into the sea; and the fourth channel goes as far as the frontier of Egypt². Along both banks of these four river-heads are cities, towns and villages, and people visit these places either by ship or by land. There is no such thickly-populated land as this elsewhere. It is extensive too and abundant in all good things.

From New Mizraim unto Old Mizraim is a distance of two parasangs. The latter is in ruins, and the place where walls and houses stood can be seen to the present day. The store-houses also of Joseph of blessed memory are to be found in great numbers in many places. They are built of lime and stone, and are exceedingly strong³. A pillar is there of marvellous workmanship, the like of which cannot be seen throughout the land.

Outside the city is the ancient synagogue of Moses our Master of blessed memory, and a venerable old man is the overseer and clerk of this place of worship; he is a man of learning, and they call him Al Sheik Abu al-Nazr⁴. The extent of Mizraim, which is in ruins, is three miles.

Thence to the land of Goshen is eight parasangs; here is Belbeis⁵. |

¹ In a Geniza fragment C quoted by Dr. Neubauer in *J. Q. R.*, IX, p. 36, this city is called אֵי־שִׁמְשִׁימָה. Probably the first two letters denote that it is an island. Compare the passage in Schechter's *Saadyana*, p. 91, l. 1, וּמִלֵּךְ עַל נַח אֶרֶץ וְאֵי הַנָּה וְאֵי כַפְתּוֹר. See Note, p. 107.

² Ashmun is described by Abulfeda as a large city. We read in a Geniza fragment that David ben Daniel, a descendant of the Exilarch, passed through this place on the way to Fostat, *J. Q. R.*, XV, 87. The fourth channel is the Tanitic branch. See p. 107.

³ See Koran xii. 55. Sambari, who being a native of Egypt knew Cairo well, explains very fully, p. 119, that Masr-el-Atika is not here referred to, but ancient Memphis, the seat of royalty in Joseph's time. He explains that it was situated on the left side of the Nile, two parasangs distant from Cairo. See Reinaud, *Abulfeda*, vol. II, p. 140.

⁴ See *Makrizi*, vol. II. 464, and *Grätz*, vol. VI, 309.

⁵ E. Naville in his *Essay on the Land of Goshen*, being the fifth Memoir of the Egypt Exploration Fund, 1887, comes to the conclusion that the land

p. 103 There are about 300 Jews in the city, which is a large one. Thence it is half a day's journey to Ain-al-Shams or Ramses, which is in ruins. Traces are there to be seen of the buildings which our forefathers raised, namely, towers built of bricks. From here it is a day's journey to Al-Bubizig, where there are about 200 Jews. Thence it is half a day to Benha, where there are about 60 Jews. Thence it takes half a day to Muneh Sifte, where there are 500 Jews¹. From there it is half a day's journey to Samnu, where there are about 200 Jews. Thence it is four parasangs to Damira, where there are about 700 Jews. From there it is five days to Lammanah, where there are about 500 Jews². Two days' journey takes one to Alexandria of Egypt, which is Ammon of No; but when Alexander of Macedon built the city he called it after his own name, and made it exceedingly strong and beautiful³. The houses, the palaces, and the walls are of excellent architecture. Outside the town is the academy of Aristotle, the teacher of Alexander. This is a large building, standing between other academies to the number of twenty, with a column of marble between each. People from the whole world were wont to

of Goshen comprised the triangle formed by Belbeis, Zakazig, and Tel-el-Kebir. He is of opinion that the land of Ramses included the land of Goshen, and is that part of the Delta which lies to the eastward of the Tanitic branch of the Nile. The capital of the province—the Egyptian nome of Arabia—was the Phakusa of the Greeks. A small railway station is now on the spot, which bears the name Ramses.

¹ Ain-al-Shams was situated three parasangs from Fostat, but was not on the Nile, *Jacut*, III, 762. In his day the place showed many traces of buildings from Pharaoh's time. Benha is now a somewhat important railway station about thirty miles north of Cairo. Muneh Sifte is a station on the Damietta arm of the Nile.

² Samnu is perhaps Samnat, *Dukmak*, V, 20. On Damira see Schechter, *Saadyana*, p. 82; Worman, *J. Q. R.*, XVIII, 10. The zoologist Damiri was born here. Lammanah in the other versions is Mahallat or Mehallet-el-Kebir, mentioned by Abulfeda as a large city with many monuments, and is now a railway station between Tanta and Mansura. Sambari (119, 10) mentions a synagogue there, to which Jews even now make pilgrimages (*Goldziher*, *Z. D. P. G.*, vol. XXVIII, p. 156).

³ In the Middle Ages certain biblical names were without valid reason applied to noted places. No-Ammon mentioned in Scripture (*Jer.* xlv. 25 and *Nahum* iii. 8), also in cuneiform inscriptions, was doubtless ancient Thebes. See Robinson, *Biblical Researches*, vol. I, p. 542. Another notable example is the application of the name of Zoan to Cairo. Ancient Tanis (p. 107) was probably Zoan, and we are told (*Num.* xiii. 22) that Zoan was built seven years after Hebron. It can be traced as far back as the sixth dynasty—over 2,000 years before Cairo was founded.

come hither in order to study the wisdom of Aristotle the philosopher. The city is built over a hollow | by means of arches. Alexander built p. 104 it with great understanding. The streets are wide and straight, so that a man can look along them for a mile from gate to gate, from the gate of Reshid to the gate by the sea.

Alexander also built for the harbour of Alexandria a pier, a king's highway running into the midst of the sea. And there he erected a large tower, a lighthouse, called Manar Iskandriyyah in Arabic. On the top of the tower there is a glass mirror. Any ships that attempted to attack or molest the city, coming from Greece or from the Western lands, could be seen by means of this mirror of glass at a distance of twenty days' journey, and the inhabitants could thereupon put themselves on their guard. It happened once, many years after the death of Alexander, that a ship came from the land of Greece, and the name of the captain was Theodoros, a Greek of great cleverness. The Greeks at that time were under the yoke of Egypt. The captain brought great gifts in silver and gold and garments of silk to the King of Egypt, and he moored his ship in front of the lighthouse, as was the custom of all merchants. |

Every day the guardian of the lighthouse and his servants p. 105 had their meals with him, until the captain came to be on such friendly terms with the keeper that he could go in and out at all times. And one day he gave a banquet, and caused the keeper and all his servants to drink a great deal of wine. When they were all asleep, the captain and his servants arose and broke the mirror and departed that very night. From that day onward the Christians began to come thither with boats and large ships, and eventually captured the large island called Crete and also Cyprus, which are under the dominion of the Greeks. [The other MSS. add here: Ever since the men of the King of Egypt have been unable to prevail over the Greeks.] To this day the lighthouse is a landmark to all seafarers who come to Alexandria; for one can see it at a distance of 100 miles by day, and at night the keeper lights a torch which the sailors can see from a distance, and thus sail towards it¹.

¹ Josephus, who had the opportunity of seeing the Pharos before it was destroyed, must likewise have exaggerated when he said that the lighthouse threw its rays a distance of 300 stadia. Strabo describes the Pharos of Alexandria, which was considered one of the wonders of the world. As the coast was low and there were no landmarks, it proved of great service to the city. It was built of white marble, and on the top there blazed a huge beacon of logs saturated with pitch. Abulfeda alludes to the large mirror which enabled the lighthouse keepers to detect from a great distance the approach of the enemy. He further

Alexandria is a commercial market for all nations. Merchants come thither from all the Christian kingdoms. On the one side, p. 106 from | the land of Venetia and Lombardy, Tuscany, Apulia, Amalfi, Sicilia, Calabria, Romagna, Chazaria, Patzinakia, Hungaria, Bulgaria, Rakuvia (Ragusa?), Croatia, Slavonia, Russia, Alamannia (Germany), Saxony, Danemark, Kurland? Ireland? Norway (Norge?), Frisia, Scotia, Angleterra, Wales, Flanders, Hainault? Normandy, France, Poitiers, Anjou, Burgundy, Maurienne, Provence, Genoa, Pisa, Gascony, Aragon, and Navarra¹. And towards the west under the sway of the Mohammedans, Andalusia, Algarve, Africa and the land of the Arabs, and on the other side India, Havilah, Abyssinia, Lybia, Al Yemen, Shinar, Al-Sham (Syria). Also Javan, whose people are called the Greeks, and the Turks. And merchants of India bring thither all kinds of spices, and the merchants of Edom buy of them. And the city is a busy one and full of traffic. Each nation has an inn of its own.

By the sea-coast there is a sepulchre of marble on which are engraved all manner of beasts and birds; an effigy is in the midst thereof, and all the writing is in ancient characters, which no one knows now. Men suppose that it is the sepulchre of a king who p. 107 lived in early times | before the Deluge. The length of the sepulchre is fifteen spans, and its breadth is six spans. There are about 3,000 Jews in Alexandria.

Thence it is two days' journey to Damietta which is Caphtor, where there are about 200 Jews, and it lies upon the sea. Thence it is one day's journey to Simasim; it contains about 100 Jews. From there it is half a day to Sunbat; the inhabitants sow flax and weave linen,

mentions that the trick by which the mirror was destroyed took place in the first century of Islamism, under the Caliph Valyd, the son of Abd-almalek.

¹ It will be seen that the list of names given in our text is much more complete than that given by Asher, who enumerates but twenty-eight Christian states in lieu of forty given in the British Museum MS. In some cases the readings of *R* and *O*, which appear to have been written by careful scribes, and are of an older date than *E* and the printed editions, have been adopted. In our text, through the ignorance of the scribe, who had no gazetteer or map to turn to, some palpable errors have crept in. For instance, in naming Amalfi, already mentioned on p. 13, the error in spelling it מלכי has been repeated. Patzinakia (referred to on p. 20, as trading with Constantinople) is there spelt ביצין פיסק not ביצין. ורור may be read ורור; I have rendered it Hainault in accordance with Deguigne's *Memoir*, referred to by Asher. Maurienne (mentioned p. 109) embraced Savoy and the Maritime Alps. It was named after the Moors who settled there.

which they export to all parts of the world¹. Thence it is four days to Ailam, which is Elim². It belongs to the Arabs who dwell in the wilderness. Thence it is two days' journey to Rephidim where the Arabs dwell, but there are no Jews there³. A day's journey from thence takes one to Mount Sinai. On the top of the mountain is a large convent belonging to the great monks called Syrians⁴. At the foot of the mountain is a large town which is called Tur Sinai; the inhabitants speak the language of the Targum (Aramaic). It is a small mountain, five days distant from Egypt. The inhabitants are under Egyptian rule. At a day's journey from Mount Sinai is [⁵the

¹ Simasin or Timasin is doubtless near Lake Timsah. Sunbat is spoken of by Arabic writers as noted for its linen manufactures and trade.

² Elim has been identified with Wadi Gharandel. It is reached in two hours from the bitter spring in the Wadi Hawara, believed to be the *Marah* of the Bible. Burekhardt conjectures that the juice of the berry of the gharkad, a shrub growing in the neighbourhood, may have the property, like the juice of the pomegranate, of improving brackish water; see p. 475, Baedeker's *Egypt*, 1879 edition. Professor Lepsius was responsible for the chapter on the Sinai routes.

³ A journey of two days would bring the traveller to the luxuriant oasis of Firan, which ancient tradition and modern explorers agree in identifying as Rephidim. From Firan it is held, by Professor Sayce and others, that the main body of the Israelites with their flocks and herds probably passed the Wadi esh-Shekh, while Moses and the elders went by Wadi Selaf and Nakb el-Hawa. The final camping-ground, at which took place the giving of the Law, is supposed to be the Raha plain at the foot of the peak of Jebel Musa. It may be mentioned that some explorers are of opinion that Mount Serbal was the mountain of revelation. There are authorities who maintain that Horeb was the name of the whole mountain range, Sinai being the individual mountain; others think that Horeb designated the northern range and Sinai the southern range. See Dr. Robinson's *Biblical Researches*, vol. I, section iii: also articles *Sinai* in Cheyne's *Encyclopaedia Biblica* and Dean Stanley's *Sinai and Palestine*.

⁴ The monastery of St. Catherine was erected 2,000 feet below the summit of Jebel Musa. It was founded by Justinian to give shelter to the numerous Syrian hermits who inhabited the peninsula. The monastery was presided over by an Archbishop.

⁵ The passage in square brackets is inserted from the Oxford MS. The city of Tur, which Benjamin calls Tur-Sinai, is situated on the eastern side of the Gulf of Suez, and affords good anchorage, the harbour being protected by coral reefs. It can be reached from the monastery in little more than a day. The small mountain referred to by Benjamin is the Jebel Hammam Sidna Musa, the mountain of the bath of our lord Moses.

Red Sea, which is an arm of the Indian Ocean. We return to Damietta. From there it is a day's journey to] Tanis, which is Hanes, where there are about 40 Jews. It is an island in the midst of the p. 108 sea¹. Thus far | extends the empire of Egypt.

Thence it takes twenty days by sea to Messina, which is the commencement of Sicily, and is situated on the arm of the sea that is called Lipar², which divides it from Calabria. Here about 200 Jews dwell. It is a land full of everything good, with gardens and plantations. Here most of the pilgrims assemble to cross over to Jerusalem, as this is the best crossing. Thence it is about two days' journey to Palermo, which is a large city. Here is the palace of King William. Palermo contains about 1,500 Jews and a large number of Christians and Mohammedans³. It is in a district abounding in springs and brooks of water, a land of wheat and barley, likewise of gardens and plantations, and there is not the like thereof in the whole island of Sicily. Here is the domain and garden of the king, which is called Al Harbina (Al Hacina)⁴, containing all sorts of fruit-trees. And in it is a large fountain. The garden is encompassed by a wall. And a reservoir has been made there which is called Al Buheira⁵, and in it are many sorts of fish. Ships overlaid with silver and gold are there, belonging

¹ Tanis, now called San, was probably the Zoan of Scripture, but in the Middle Ages it was held to be Hanes, mentioned in Isa. xxx. 4. It was situated on the eastern bank of the Tanitic branch of the Nile, about thirty miles south-west of the ancient Pelusium. The excavations which have been made by M. Mariette and Mr. Flinders Petrie prove that it was one of the largest and most important cities of the Delta. It forms the subject of the Second Memoir of the Egypt Exploration Fund, 1885. The place must not be confounded with the seaport town Tennis, as Asher has done. In the sixth century the waters of the Lake Menzaleh invaded a large portion of the fertile Tanis territory. Hence Benjamin calls it an island in the midst of the sea. In a Geniza document dated 1106, quoted by Dr. Schechter, *Saadyana*, p. 91, occurs the passage: "במדינת אי הנם דנתק ימה מותבה ולשון נהל מצרים הקרוי נילוס" "In the city of the isle Hanes, which is in the midst of the sea and of the tongue of the river of Egypt called Nile."

² The straits of Messina are named Lipar, having reference, no doubt, to the Liparian Islands, which are in the neighbourhood.

³ Cf. Bertinoro's interesting description of the synagogue at Palermo, which he said had not its equal, *Miscellany of Hebrew Literature*, vol. I, p. 114.

⁴ Hacina is the Arabic for a fortified or enclosed place.

⁵ Buheira is the Arabic word for a lake. The unrivalled hunting grounds of William II are well worth visiting, being situated between the little town called Parco and the magnificent cathedral of Monreale, which the king erected later on.

to the king, | who takes pleasure-trips in them with his women¹. In p. 109 the park there is also a great palace, the walls of which are painted, and overlaid with gold and silver; the paving of the floors is of marble, picked out in gold and silver in all manner of designs. There is no building like this in the whole land. And this island, the commencement of which is Messina, contains all the pleasant things of this world. It embraces Syracuse, Marsala, Catania, Petralia, and Trapani, the circumference of the island being six days' journey. In Trapani coral is found, which is called Al Murgan².

Thence people pass to the city of Rome in ten days. And from Rome they proceed by land to Lucca, which is a five days' journey. Thence they cross the mountain of Genoa, Maurienne, and the passes of Italy. It is twenty days' journey to Verdun, which is the commencement of Alamannia, a land of mountains and hills. All the congregations of Alamannia are situated on the great river Rhine, from the city of Cologne, which is the principal town of the Empire, to the city of Regensburg, a distance of fifteen days' journey at the other extremity of Alamannia, otherwise called Ashkenaz. And the following | are the cities in the land of Alamannia, which p. 110 have Hebrew congregations: Metz, Treves on the river Moselle, Coblenz, Andernach, Bonn, Cologne, Bingen, Münster, Worms,³ [All Israel is dispersed in every land, and he who does not further

¹ King William II, surnamed "the Good," was sixteen years old when Benjamin visited Sicily in 1170. During the king's minority the Archbishop was the vice-regent. He was expelled in 1169 on account of his unpopularity. Asher wrongly thinks Benjamin's visit must have taken place prior to this date, because he reads *כי היא מדינת סגן המלך* *This is the domain of the viceroy*. The Oxford MS. agrees with our text and reads *כי היא מדינת גן המלך* *This is the domain of the king's garden*. Chroniclers tell that when the young king was freed from the control of the viceroy he gave himself up to pleasure and dissipation. Asher is clearly wrong, because a mere boy could not have indulged in those frolics. The point is of importance, as it absolutely fixes the date of Benjamin's visit to the island. It was in the year 1177 that William married the daughter of our English king, Henry II.

² Edrisi, who wrote his Geography in Sicily in 1154 at the request of King Roger II, calls the island a pearl, and cannot find words sufficient in praise of its climate, beauty, and fertility. He is equally enthusiastic concerning Palermo. Petralia is described by him as being a fortified place, and an excellent place of refuge, the surrounding country being under a high state of cultivation and very productive. Asher has no justification for reading Pantaleoni instead of Petralia.

³ The passage in square brackets is to be found in most of the printed editions, as well as in the Epstein (E) MS., which is so much akin to them, and is comparatively modern. The style will at once show that

the gathering of Israel will not meet with happiness nor live with Israel. When the Lord will remember us in our exile, and raise the horn of his anointed, then every one will say, "I will lead the Jews and I will gather them." As for the towns which have been mentioned, they contain scholars and communities that love their brethren, and speak peace to those that are near and afar, and when a wayfarer comes they rejoice, and make a feast for him, and say, "Rejoice, brethren, for the help of the Lord comes in the twinkling of an eye." If we were not afraid that the appointed time has not yet arrived nor been reached, we would have gathered together, but we dare not do so until the time for song has arrived, and the voice of the turtle-dove (is heard in the land), when the messengers will come
p. 111 and declare continually that the Lord be exalted. | Meanwhile they send missives one to the other, saying, "Be ye strong in the law of Moses, ye mourners for Zion, and ye mourners for Jerusalem, entreat the Lord, and may the supplication of those that wear the garments of mourning be received through their merits." In addition to the several cities which we have mentioned there are besides] Strassburg, Würzburg, Mantern, Bamberg, Freising, and Regensburg at the extremity of the Empire¹. In these cities there are many Israelites, wise men and rich.

Thence extends the land of Bohemia, called Prague². This is the commencement of the land of Slavonia, and the Jews who dwell there call it Canaan, because the men of that land (the Slavs) sell their sons and their daughters to the other nations. These are the men of Russia, which is a great empire stretching from the gate of Prague to the gates of Kieff, the large city which is at the extremity of that empire³.

the passage is a late interpolation, and the genuine MSS. now forthcoming omit it altogether.

¹ See Aronius, *Regester*, p. 131. This writer, as a matter of course, had only the printed editions before him. His supposition that משה is Mayence is more than doubtful, but his and Lelewel's identification of מנערן with Mantern and פרינג with Freising has been accepted. Aronius casts doubts as to whether Benjamin actually visited Germany, in the face of his loose statements as to its rivers. It will now be seen that he is remarkably correct in this respect.

² The Jews of Prague are often spoken of in contemporary records. Rabbi Petachia started on his travels from Ratisbon, passing through Prague on his way to Poland and Kieff.

³ Benjamin does not tell us whether Jews resided in Kieff. Mr. A. Epstein has obligingly furnished the following references: In סדר הנאים וזהב ר' משה מקיבו שאל את פי: ואמרוהו, Grätz, *Monatsschrift*, 39, 511, we read: מפי ר' משה מקיבו מפי רבינו חם, 134, *Monatsschrift*, 40, 134, ראש ישיבות. This Rabbi Moses is also mentioned in *Resp.* of R. Meir of Rothenburg, ed. Berlin, p. 64. Later records give the name ר' משה בר יעקב הנולה מקיבו.

It is a land of mountains and forests, where there are to be found the animals called ermine, sable, and vair¹. No one issues forth from his house | in winter time on account of the cold. There are to be found p. 112 people who have lost the tips of their noses by reason of the frost. Thus far reaches the empire of Russia.

The kingdom of France, which is Zarfath, extends from the town of Auxerre² unto Paris, the great city—a journey of six days. The city belongs to King Louis. It is situated on the river Seine. Scholars are there, unequalled in the whole world, who study the Law day and night. They are charitable and hospitable to all travellers, and are as brothers and friends unto all their brethren the Jews. May God, the Blessed One, have mercy upon us and upon them!

Finished and completed.

ADDENDUM.

IN concluding these Notes it is not out of place to mention that soon after the publication in 1841 of the work on Benjamin by A. Asher, which has been so often referred to, there appeared a review thereof in consecutive numbers of the Jewish periodical *Der Orient*. The articles bore the signature *Sider*, but the author proved to be Dr. Steinschneider. They were among the first literary contributions by which he became known. Although written sixty-five years ago his review has a freshness and a value, which renders it well worth reading at the present day. The ninetieth birthday of the Nestor of Semitic Literature was celebrated on the 30th of March this year, and it affords no little gratification to the writer, that Dr. Steinschneider has accepted the dedication to him of this the latest contribution to the "Benjamin Literature."

MARCUS N. ADLER.

¹ The vair (vaiverge or wieworka in Polish) is a species of marten, often referred to in mediaeval works. Menu-vair is the well-known fur miniver.

² Lelewel, having the reading אל סדר before him, thought Sedan was here designated. H. Gross suspected that the city of Auxerre, situated on the borders of the province of the Isle de France, the old patrimony of the French kings, must have been intended, and the reading of our text proves him to be right. The Roman name Antiossiodorum became converted into Alciodorum, then Alcore, and finally into Auxerre. The place is often cited in our mediaeval literature, as it was a noted seat of learning. The great men of Auxerre, גרולי אלסירא, joined the Synod convened by Rashbam and Rabenu Tam. See *Gallia Judaica*, p. 60.

GEONIC RESPONSA

IX.

FRAGMENT 2821—MS. Heb., f. 56, fol. 102 of the Bodleian, written in Syr. Rabb. char., 16mo, paper,—is a Geonic Responsum with reference to travelling by boat on the Sabbath. The permission to do such travelling on the Sabbath is here shown not to be original with the *Halakot Gedolot*, but to have been inserted by the Gaon Mar Jacob ben Mordecai, who incorporated it in the famous collection to give his own decision more weight. The few decisions by this Mar Jacob that have come down to us show him to have been a man of extraordinary independence¹. As a result he was often accused by his opponents of pretending to have traditional authority for his statements; particularly he was accused of invoking the authority of Jehudaï². We are not in a position to decide whether these charges have a foundation in fact. However that may be, they go to show the place assigned by the Geonim to the *Halakot Gedolot*, which they refused to recognize as the work of R. Jehudaï.

Recto.

אלה מן דרג³ הביאו לפניהם תאי^{נ"ם}
וענבים ודין ז' הא דתני רב' אין
מפליגין בספ' פחות מג' ימים לפני
השבת⁴ ומפ' בהל' גרו'⁵ דכל היכא
5 דקנו לה שביתה בספינה מחולא
שפיר דאמי למיתב בה בשבתא
וסגויי מה לי מבעוד יום מה לי

¹ Comp. Müller, *Mafteah*, p. 73.² Fragment IV, *J. Q. R.*, XVII, p. 275.³ Arabic ^{٥٠}ج = Hebrew ^{נ"ם}י.⁴ *Shabbat*, 19 a.⁵ Editio Venice, f. 17 a, line 15; ed. Hildesheimer, p. 81.

שלשה ימים קודם שבת הילכך
 שפיר דאמי היל' כהדין פירושא
 10 או לא — הכין חזי' דהא מילתא
 דאשכחתון בהל' לא סבירא לנא
 דמעיקרא משמא דמר יעקב
 גאון בר מרדכי נע' איתמרא
 והכין איסתבירא ליה דהא דתניא

Verso.

בסיפה¹ רבן שמ' בן גמ' או' אי'¹²
 צריך על כוליה מימריה האיי
 ואיסתברא ליה דאע"ג דיקומ'
 לן הל' כר' מחבירו רבן שמע'
 5 בן גמ' אביו היא ולא חבירו²
 וליתיה לסבאריו דמר יעקב
 גאון נ"ע ואפי' אמרי' הל' בהא
 מילתא כרבן שמ' בן גמ' לא פליגין
 אלא בענין פוסק עמו לשבת
 10 ואינו שובת³ דאמ' לך ר' צריך
 לאדכורה לשבתא ולשוויי לה
 הכירא דלא לידמי ליה גוי
 דיש' קא מחיל שבתא.

X.

Fragment 2807—MS. Heb. c. 13, fol. 22, in the Bodleian, written in Syr. square char., 8vo, paper, on one side only. It is what is left of a letter addressed by a scholar at Bagdad to an outside community. The first seven lines read as follows: “. . . And thus whenever you have

¹ *Shabbat*, 19 a.

² The same statement is found also in R. Hananel's *Commentary on Shabbat*, 19 a.

³ The editions read על מנח לשבוע, while R. Hananel, *ibid.*, and MS. Munich, agree with the reading of our fragment.

transactions¹ with the Government, I admonish you to let us know about them, that we may consult with the prominent members of the Bagdad community in the midst of which we dwell, namely, the sons of *R. Natira* and the sons of *R. Aaron* and then the Government will deal with you according as the Lord will aid your helpers. Thus do ye, and not otherwise, I adjure you."

There can be no doubt that the Natira referred to is the well-known supporter of Saadia in his struggle with the Resh-Galuta; and it follows as an obvious inference that R. Aaron must be Aaron Sarajado, the opponent of Saadia. Of the children of R. Aaron we know nothing; while of the sons of R. Natira the names have been preserved, Sahl and Ishak², as well as the fact that they were among the most prominent Jews in Babylonia. However, as R. Aaron Sarajado also was a man of wealth and influential connexions, it may readily be assumed that his sons too were counted among the leaders of the community.

The letter must have been written after the year 960, as it refers to R. Aaron as one who has departed this life (see line 5), but there is no clue as to the author of the letter. Unquestionably he must have been a man of considerable influence and high position; the whole trend of the letter makes that appear clearly. Identification of the writer with one of the Geonim is precluded by the fact of his residence in Bagdad.

Recto.

וכן כל הפיך ושאלה אשר יהי לכם מצד
המלכות הגר תגידוהו לפנינו כי אז נצוה
את בעלי בתים חשובים אשר בבגדד אשר
אנהנו יושבים ביניהם בני מר' נטירא ובני
5 מר' אהרון זכר הנאספים לברכה וזכרון פליטיהם

¹ The Hebrew expression *הפיך ושאלה* is a locution modelled after the Talmudic phrase *הפיך שבועה*.

² Comp. Harkavy, *Festschrift*, in honour of A. Berliner, pp. 37-8; and Friedlaender, *J. Q. R.*, XVII, p. 753.

לקימה ואז ישיבו לכם מאת המלך כאשר
 יספיק י'י' מעזנו בידם בן תעשו ואל תטשו
 — ואחרי זה אנו מצוים עוד וכותבים אליכם
 כתבי הזהרות ותוכחות לעורר את לבותיכם
 10 ולהקיץ את שרעפיכם על מצות י'י' אדנינו
 מה תעשו ותחיו בו וממה תסורו ולא תמותו
 כי בן חייבין אנחנו אולי נצא ידי חובתנו
 בדבר הגדול הזה אשר קבלנו וכן יום ביום
 תבשרנו בשלומכם כי שלום נפשנו הוא
 15 כי אם אין צבא אין מלך¹ ובאפס תלמידים
 אין הוד לחכמים ויהי י'י' בכסלכם וינהג
 עמכם ועמנו במדת רחמיו וחסדיו הרבים
 ושלומכם וברכותיכם וטובותיכם וכל הצלחותיכם
 ירבו לעד

XI.

Fragment 2634—MS. Heb. c. 18, fol. 40, in the Bodleian, written in Syr. Rabb. char. The writing is blurred in many places, but the illegible parts can be supplied easily, so that the text can be deciphered without difficulty. It contains seven Responsa, of the first of which but two lines are given, sufficing only to indicate that it dealt with a liturgical question. As no author is mentioned in connexion with any of the seven Responsa, it is an open question whether they were all written by the same author, and it is difficult to assign them to a specific date. In the view they take of certain *Halakot*, some of them show plainly that they belong to the *early* Geonic time.

2. The second of these seven Responsa deals with the passage *Berakot*, 5 b, 'שנים שנכנסו להתפלל וכו'. It is the opinion of the Gaon, that one of two persons alone in a synagogue may not go out before the other, lest the latter be disturbed in his devotions by being left behind as the sole occupant

¹ Comp. Pirke R. Eliezer, III: . . . צבא אין.

of the synagogue. From the expression *ומיתירא מן המזיקין*, used in line 10 recto, it appears that the prohibition applies only to the services at night. This is in agreement with the opinion of the Geonim quoted by Rabbenu Hananel in the *Responsa*, ed. Lyck, and by Nathan ben Yehiel, '*Aruk*, s. v. *טרף*, ed. Kohut, p. 19.

3. The Gaon prohibits the insertion of a phrase like *אמת ויציב* in the benediction *אמת ויציב עלינו יי אלהינו*. He does not stop at this specific injunction, but goes on and sets up the general principle that the *ברכת גאולה* refers to the deliverance from Egypt, and has nothing to do with redemption in the future; hence no phrase pointing to the Messianic time is to be tolerated in this benediction, according to him. He fortifies the position he takes on this point by referring to the *גאולה* in the Morning Service as recited in the synagogue of the Academy, in which *מי במכה גאל ישראל* follows immediately after *מי במכה*. This view he shares with Rab Amram (*Seder Rab Amram*, 6 b); and there can be no doubt that the old *גאולה* contained no reference to the redemption of the future, as appears clearly from a comparison of the various rituals with each other. The Ashkenazic Ritual has *צור ישראל*, and the Italian has *בגלל אבות*, while the Sephardic has *גואלנו יי צבאות*. Indeed, it is doubtful whether, in the last, *גואלנו* is to be taken as a reference to the redemption at the end of time, seeing that the parallel passage, in the *גאולה* of the Evening Service, has *כי פדה*, the perfect form of the verb, hence an allusion to the past. It is noteworthy that the Ritual *רומניא* also has the reading *בגלל אבות*; but these words are followed not by *חושע*, but by *הושע*. Is this the original form of the prayer, or was the perfect tense of the verb a later substitution in accordance with the view of the Geonim that the *גאולה* refers to the past, and not to the Messianic time?

¹ Comp. *Seder R. Amram*, 19 a, first line. This insertion in the *גאולה* is, however, missing in the MSS. of the *Seder R. Amram* in the library of the Jewish Theological Seminary of America.

4. The fourth Responsum deals with the question whether the Reader in the synagogue is to repeat ברכו for the late comers. In the Geonic collection שיערו תשובה, No. 205, ed. Leipsic, 20 d, we have a decision by Sar Shalom Gaon on the same question, to the effect that the Reader is to repeat ברכו for those who have not recited the שמע. Our fragment, on the other hand, makes the explicit statement (lines 3-4, verso) that the Reader is not to repeat, even for those who have not recited the שמע. However, it would seem to me that the text of our fragment stands in need of a change; if we read וכבר instead of ולא, in line 3, the difference between the two Responsa disappears entirely¹.

5. This Responsum contains an explanation of the term נגן החמה, derived by the Gaon from its use in Targum Onkelos.

6. Here we have the opinion of the Gaon on the subject of מולייתא, discussed by the Talmud in *Pesahim*, 74 a-b. The Gaon shares the view expressed by the Rabad, in his השנות on Maimonides מאכלות אסורות, VI, 17, according to whom the Talmudic permission covering מולייתא extends to קרירה—a view opposed by R. Natronai Gaon and others, who limit the permission of the Talmud to צלי². Another interesting point in this Responsum is the reference to הרחה with hot water, the use of which is opposed by all authorities except Maimonides³.

7. The last Responsum of the group contains a decision permitting the use of a fowl though it has been prepared with the liver. This must be an exceedingly old decision, for all authorities known declare fowl טרפה if the liver of the bird has been cooked with it, instead of being removed and broiled separately⁴.

¹ Comp. *Seder R. Amram*, 15 a.

² Comp. שיערי תשובה, 263, ed. Leipsic, p. 24; הלכות פסוקה, 44 and 45; Maimonides, l. c.

³ *Baal Ittur*, ed. Lemberg, II, 2 d; Maimonides, l. c.; comp. also Müller, *Mafteah*, 279.

⁴ ה"פ, 45; ש"ה, l. c.; Müller, l. c., and 70.

Recto.

. ד משום דתפילת מוסף לא קביע מקומה אבל כי האיי גוונא מצלי
 יחיד בבית הכנסת ויוצא למלא¹ ושפיר דאמי ואין בכך כלום וששאל²
 בשנכנסין שנים לבית הכנסת אחד קדם וסיים בגאולה מהו להפסיק ולהמתין
 לחבירו ויתפללו שניהם כאחד או דילמא כיון דתכף לגאולה תפילה לא צריך
 5 לא כן הוא פירוש שמועה זו ושאמרו חכמ' שנים² שנכנסו להתפ' וקדם
 אחד מהן וסיים ולא המתין לחבירו לא כמש' היא ואין דומה לזו:
 וכן פירוש ב' שנכנסו להתפלל וקדם אחד מהן ויצא מבית הכנסת
 ולא המתין לחבירו ונותר חבירו לבדו בבית הכנסת כיון שרואה
 שנוותר לבדו מטרפת דעתו ומיתירא מן המזיקין ועוקר לבו מן התפילה
 10 ואין בו לכוון לבו ודומה כמו שלא התפלל לפיכך טורפין לו לאותו שקדם
 ויצא תפילתו בפניו²: והא דמקום שאמרו להאריך אין רשאו לקצר³:
 יש שמאריכין בגאולה שלאמת ויציב ואומ' יקים עלינו י'י אלהינו
 מלכותו גדלו ותפארתו ומאריך הרבה ושנה⁴ או לא: כך ראינו
 שאי אפשר לאמר כן משני טעמ' אחד שכך שנינו³ בשחר מברך
 15 ב' לפניו וא' לאחריה בערב מברך ב' לפניו וב' לאחריה וכי תימא
 אחת ארוכה ואחת קצרה בערב הא דאמור אבל באמת ויציב א'
 אחת לאחריה היא וכיון דאחת היא היאך אפשר לומר אחת ארוכה
 ואחת קצרה והלא אחת היא: טעם אחר אמת ויציב כולה
 אין בה בקשה ורחמים כל עיקר אלא סידר יציאת מצ' בלבד
 20 ומעשה שהיה היאך אפשר לומר יקים על⁵ מלכותו ולבקש
 רחמים הו' לכן לא מיתבעי למימר וכל שכן שא' ב' ישיבות
 ובבית רבינו אין אנו אומ' אילא י'י ימלוך לעולם ועד
 משאמרו יש' על ים סוף וששאל²
 צבור הפודם על שמע וגומר את הסדר
 25 ש מהוא שאומר ברכו בשביל בני אדם
 לאחר שאמ' שליח ברכו: או נמי
 בני אדם שנכנסו לאחר שאמ' שליח
 . . . ולא מש' . . . יש בכך משום

¹ למלאכתו.² Berakot, 5 b; the reading of our fragment differs from that of the editions, as well from that given in MS. Mun.³ Mishnah Berakot, I, 4; Gemara, ibid., 11 a.⁴ Read: ושינה כוונה לעשה כן או לא.⁵ עלינו; comp. line 12.⁶ שאין אמרין.

Verso.

אין זימון למפרע¹ או לא מה עינין זימון ואין זימין למפרע
 בברכת המזון וברכו משום שהסדיר שבחו שלחק' ולהתפלל
 עינין זה על זה אילא כך הלכה אם אותן בני אדם שנכנסו באחד ולא
 קראו קרית שמע אל יחזור ויאמר ואם אמר מוצא שם שמים
 5 לבטלה היא: ושש' זמן הנץ החמה: הנץ החמה במשמעה
 בשעה שמבקשת חמה להראות פניה כמשכתוב ויצא פרח ויציץ
 ציץ ומתרג' ואנץ נץ בשעה שמאדים העולם וחמה מלבלבת לצאת
 כמות עשבים ואלנות שמבקשים להוציא עלין כמש' הנצו הרמונים
 תחילת הראות פניה ושש' תרנגולת אם נמלח תוכה יפה יפה
 10 ומדיחה יפה יפה ונתן מים ראשון² רותחין מכלי ראשון לתוכה או נמי
 מכניסה בכלי ראשון מהו לעשותה מלאיתא שריא או אסירא:
 כך ראינו מלאיתא והרחא ברותחין כך אמרו חכ'³ הא מלאיתא
 מאן דאסר אפילו פומה לתחת מאן דשארי אפילו לעיל והילכתא
 דמלאיתא שריא אפילו פומה לעיל ודוקא שלא נתן לתוכה תבלין
 15 דאסירא משום דבלעי הצר⁴ תבלין מן ההוא דם אבל ודאי מלחה
 מלחה והדיחה כמשש' שמלחה והדיחה ברותחין אפילו נתן
 לתוכה תבלין שריא: ותרנגולת שנתבשלה ונמצא בה
 כבד פחות מכזית זורק את הכבד ואוכל את התרנגולת
 ומותרת לכתחלה ואפילו היה יתיר מכזיתא זורק את הכבד ואוכל
 20 תרנגולת מה טעם מפני שכבד חרי הוא בעצמו: מה
 אוסר את תרנג' דם שפלט מן הכבד בודאי דם שפלט
 אינו הווה יותר מששים בתרנגולת לפיכך אינו
 אלא אסור הכבד ומותרת ועוד מצאנו שהק'⁵ . . .
 חכמי אפילו בדבד שחמיר מזה הרבה
 25 דתנן⁶ הלב קורעו ומוציא את דמו⁷ . . .
 קורעו אחר בישולו ומותר:
 ששיעור מדם שחיטה בשעת . . .
 בהמה נכנס דם שחיטה . . . נה . . .

¹ Berakot, 45 b.² Reading doubtful.³ Pesahim, 74 b; the editions read מליהא, while MS. Bodleian has מליהא = מליהא of our fragment.⁴ הציר = ?⁵ Read שהקילו.⁶ Mishnah Hullin, VIII, 3; Gemara, ibid., 109 a.⁷ Read לא.

XII.

Fragments 2760—MS. Heb. d. 48, fols. 13, 14; and 2826—MS. Heb. d. 63, fols. 60, 61 Bodleian; Syr. Rabb.; 4to, vellum. These two fragments not only are written in the same characters, but they actually belong together, so that 2826, fol. 61 is the continuation of 2760, fol. 14, and 2760, fol. 13 is the continuation of 2826, fol. 60. Whether the first quire of two leaves precedes the latter, or vice versa, cannot be determined. The arrangement I have made is based upon the fact that the first-mentioned set deals almost wholly with the treatise of *Gittin*, and the other set with *Baba Mezia*. I shall hereafter refer to the set dealing with *Gittin* as Fragment A, and that dealing with *Baba Mezia* as Fragment B.

These two fragments contain thirty-one Responsa, all, with the exception of four, being new material. Neither the author of the collection nor its date can be fixed; indeed, it is doubtful whether all the Responsa have one and the same author. The collection may be a later grouping of Responsa from different authors. Judging from language as well as subject-matter, Fragment A and Fragment B form each a unit, whatever their relation to each other may be. A possible exception may have to be made for Responsa 9 and 10, which do not seem to belong to Fragment A, and which, indeed, are found elsewhere, as will be shown presently.

Fragment A contains the following ten Responsa:

1. Of the first Responsum only the end has been preserved, but even in its fragmentary state it is of some importance for the textual criticism of *Gittin*, 77 b. This passage in our text of the Talmud gives an anonymous discussion on a decision rendered by R. Joseph. In the Responsum, the Gaon ascribes the discussion to Samuel and Rab Jehudah. We must conclude that R. Joseph cannot be the well-known authority of that name, who lived two generations after

Samuel, but must be identified with יאסי¹, the older colleague of Samuel, whose full name was Joseph.

2. The second Responsum also deals with *Gittin* (79 a). Besides explaining the text, the Gaon expresses his opinion as to the authoritativeness of the statement by Raba with regard to רשויות.

3. Here we have the very important decision, that an error in writing out a bill of divorce may be corrected between the lines without invalidating the instrument. Though this Geonic decision was found in the Responsa Collection, Mantua, No. 97, none of the codifiers from Maimonides to the present time refer to it, though the view expressed in it is opposed by them all. According to them, a bill of divorce is rendered void by a correction of its text. It is characteristic of the Geonic times that the Yerushalmi and the Tosefta are ignored: the very authorities used by the codifiers².

4. The Gaon holds that a Gentile cannot be made a messenger to carry a bill of divorce. He makes no reference to the decision on the same subject rendered by R. Hananiah³, who, as a rule, was freely cited by the Geonim. The inference that our decision anticipated R. Hananiah's is not unwarranted. It should be mentioned that the text, especially in lines 23-24, is corrupt.

5, 6. These two Responsa contain explanations and decisions on matter contained in *Gittin*, 80. The interesting point is, that the Gaon maintains, that decisions are to be made with Samuel as against R. Ada bar Ahba, while the codifiers, including even so early an authority as Alfasi, decide with the latter against Samuel.

7. The Gaon states it as his opinion that the form of גט קרה had become obsolete⁴, as it had originally been instituted for the places settled entirely by priests.

¹ On the relation of יאסי to Samuel, comp. Harkavy, *Responsen*, 274.

² Comp. *Tosefta Gittin*, IX, 8; ed. Zuckermann, p. 334; *Yer. Gittin*, VIII, 50 c. ³ Comp. Müller, *Mafteah*, 72; and Harkavy, *Responsen*, 312.

⁴ Alfasi as well as the other codifiers gives very brief treatment to גט קרה; they, too, considered it an obsolete form.

8. This Responsum is the first in the Collection not dealing with divorce matters. Possibly it belongs to another Collection. According to it, a guardian of orphans appointed by their father before his death cannot transfer his charge to another without further formalities. He must appear before court and explain his situation, leaving it to the discretion of the tribunal to select a substitute.

9, 10. These two Responsa in the same relative order are found also in the Responsa Collection, Mantua, Nos. 88 and 89. The first of them demonstrates how meat may be used without מליחה¹. The second of them deals with the calling up to the reading of the Law. It decides, that in case not enough men are present at a public service who can themselves read the assigned portion, the same limited number of adepts may be called up a second and even a third time. It is noteworthy that in the Mantua Collection this Responsum is given in Hebrew, while our MS. has it in Aramaic. There can be no doubt that the latter is the original form. A similar decision, also in Aramaic, given on the authority of R. Natronai, is to be found in *Seder Rab Amram*, 29 a.

Fragment B begins with Responsum 11.

11. Of this Responsum only the last sentence has been preserved. It deals with the subject אין אדם מוריש שבועה לבניו (Shebuot, 44 a).

11 a. This Responsum also treats of a subject in *Shebuot* (38 b), the difference of opinion between Rab and Samuel as to the amount of a claim justifying an oath.

12. Here we have a very important decision with regard to the Halakah, that no man may be fined on his own confession. According to the Gaon, this law cannot be applied in the case of אי תפס לא מפקין. This, however, is not the view of the great codifiers, as can be seen from *Tur*, *Hoshen Mishpat*, I, 3 a, ed. Königsberg.

¹ In later Geonic times this lenient practice was not permitted. Comp. also Alfasi, *Hullin*, VIII, ed. Wilna, p. 28, and Müller, *Mafteah*, 279, and *Baäl Ha-Ittur*, ed. Lemberg, II, 2, below.

13. The Gaon decides : המגביה מציאהל חבירו קנה חבירו (*Baba Mezia*, 8 a). He adds that the questions raised by Raba do not imply that he rejected the principle ; they merely indicate his abstract theoretic interest in the matter, not any practically valid objections.

14, 15 are brief explanations of *Baba Mezia*, 10 a and 12 b.

16. The Gaon explains the expression לבנים in *Baba Mezia*, 16 a. A Geonic explanation of the same expression was known to Rashi. The latter takes it to mean the inner chamber of the Academy, while our fragment takes it to mean the innermost recess of the heart.

17. This Responsum is found also in ש"צ, p. 90, No. 28. It contains a description of the different kinds of documents enumerated in *Baba Mezia*, 16 b.

18. A short explanation of *Baba Mezia*, 11 a.

19. In explaining the Talmud passage, *Baba Mezia*, 9 b, the Gaon speaks of three different classes of society : first, the aristocratic class, consisting of the Nassi, the Gaon, and the Ab-Bet-Din ; second, the middle class, scholars and merchants ; and the third class, slaves, watchmen, and professional tipplers. The expression Nassi is rather startling ; the expected word is Resh Galuta. The supposition at once suggests itself that the Gaon and Ab-Bet-Din likewise do not refer to the Babylonian institutions, but to similar officials in Palestine or Egypt. But this hypothesis is disposed of by the fact that the words for "watchman" and "tippler" are Persian, and no Babylonian or Egyptian would have resorted to this language. We are therefore forced to the inference that Nassi stands for Resh Galuta, as it sometimes does in both Talmudim.

20. The Gaon gives a definition of טובת הנאה, and in explaining it he cites a Persian-Arabic saying, the meaning of which I confess myself unable to determine.

21. This Responsum is interesting on account of its explanation of the word תיגרא, which occurs in *Baba Mezia*, 21 b, and, according to the Gaon, means "edge of a field."

The Gaon evidently connects the word with the root ¹אגר, meaning "to frame, to hedge about." But the Gaon seems not to be right, as תיגרא occurs in the Targumim in the meaning of "staff," a meaning that suits the passage in *Baba Mezia*.

22. This Responsum likewise is interesting from a philological point of view. The Gaon explains תרארא (*Baba Mezia*, 20 b) to mean "blockhead," like the Arabic הוצאה (?). I cannot conjecture the etymological basis for this explanation.

23-25. These three Responsa are brief explanations of *Baba Mezia*, 25 a, *Pesahim*, 47 b, and *Baba Mezia*, 6 b, below. They contain nothing new.

26. This Responsum treats of the Halakah, אין הולכין בממון (Baba Kama, 46 a), and offers several interesting *variae lectionis*.

27. This Responsum is allied with the last. It discusses a point in *Baba Batra*, 92 b, where the Halakah, just mentioned, אין הולכין וכו', is fully treated.

28-31. The last four Responsa offer explanations of *Baba Batra*, 93 a, 93 b, 95 b, 97 a. Responsum 29 is particularly interesting. The Gaon had a reading different from our text, and his reading is not without Halakic importance.

Recto.

וואמ' רבנן מעשה רב ודקשיא לך מאי שנא מההוא גברא
דורק גיטא לרביתהו² התם נמי נימא עד דמאטי גיטא לידה מאי דאמי
הכא להתם התם רשות הרבים היא וקרוב לה וקרוב לו לא מחזק
בידה דילה משום הכין אמל' שמואל לרב יהודה³ התם חצר דילה היא אי נמי

¹ Did the Gaon think of נורא "bank of a river"?

² *Gittin*, 77 b.

³ The words שמואל לרב יהודה are not in our text of the Talmud.

5 דאשליה¹ מקום . . . עד דמטא לידה רתניא² נתנו בידה אין לי אלא ידה
 II גגה חצירה וקרפ' מניין תל' לומ' נתן בידה מכל מקום: ורשאילת³ כגון שהיו
 מחצה התחת⁴ עורפות על העליונות הכי דאמי הכין חזינא דקא'
 תאני⁵ היתה עומדת בראוש הגג וזרקו לה כיון שהגיע לאוור הגג הרי
 זו מגורשת הוא מלמעלה והוא מלמטה וזרקו לה כיון שיצא
 10 מרש' הגג נימחק או נשרף הרי זו מגורשת ומקשינן היא מלמעלה
 והיא מלמטה הא לא מינטר אמ' ר' יהודה אמ' שמואל כגון שהיו מחיצות
 התחתונות היכא דיתבא היא עורפת על העליונות דכי זריק לה
 מלמעלה למטה אתינאיח על ההיא טופינא דטפיא מחיצות
 תחת' על העליונ' והא דאמ' ראבא שלוש שמידות⁵ בגיטין דקאמ'
 III לענין שבת ולענין חטאת אבל לענין גיטין הלכה היא: וגיטא
 16 דטאעי ביה סופר בדיתהוויין⁶ או בכדן או בודן או בכל
 דטאעי תלי בן דרא לדרא ושפיר דאמו דלא עדיף
 גט מספר תורה דקאמר' הלכה⁷ תולין את השם
 IV ולא מיפסיל גיטא בהכין ולשדורי גיטא
 20 ביד ארמאה כיון דבאעי למימר בפני
 ניכתב בפני ניתחתם ולא מצי אמי
 פסול ואי דאיכא שהדי יש'⁸ אחריני
 דשהדי על חתימת ידי דהלך
 שהדי נתינה הלך יש'⁸ ועוד תנן
 25 בהריא הכל⁹ כשירין להביא את
 הגט חוץ מחרש שוטה וקטן
 והסימא והנוכרי וקא'
 עלה דנוכרי משים דלאו
 בר תורה¹⁰ היא והדאמ' ר'
 30 חייה בר אבא¹¹ אמ' ר' יוחנן

¹ דאשליה = אשל as in שוליא, *Baba Kamma*, 32 b = שוליא; our texts read אושלה.

² *Gittin*, 77 a.

³ *Ibid.*, 79 a.

⁴ ההחתונות = .

⁵ Read מירה; the copyist forgot himself, and after having written שלוש again wrote שמירה, which is to be read ש = שלוש and מירה.

⁶ About the spelling with three yods, comp. *Responsen der Geonim*, ed. Harkavy, 13, 255, 436.

⁷ *Menahot*, 30 b.

⁸ ישראל = .

⁹ *Mishnah Gittin*, II, 5; *Gemara*, *ibid.*, 23 a.

¹⁰ Editions: ההירה; R. Hananel: כירה.

¹¹ Editions: רב אסי.

Verso.

אין¹ העבד נעשה שליו לקבל גט אשה מיד בעלה לפי שאינו בתורת
 גיטין וקידושין ואף על פי ששנויה אם היתה עברה זכתה לו וקשיא לך
 מה לענין אם היתה עברה זכתה לו לאין העבד נעשה שליו לקבל גט אשה
 מיד בעלה טובא מעלין בהדאדי וטובא שיכן בהדאדי אם
 5 היתה עברה זכתה לו הכין פירושה הא עברה שיפחה דראובן היא וקאמ'
 אדון דילה דקא ניהא לי לאפיקיה לחירות לברא דהאוי לה והא בראיתא
 רבי היא וקאמ' רבי אי הא שפחה לאי עברה היא כוון דליתיה לולד דילה
 במעה ועדאן לא מתעבר לה לא שאווי מימריה שום מידעם אבל
 אם היתה עברה זכתה לו דדאמי לולד דאיתיה בביתא ואיהירא
 10 באבא באנניה² וקאמ' ר' יוחנן אף על פי ששנויה אם היתה עברה זכתה
 לו זביא ליה למשקל ליה גט שחרור להאיי ולד דאיכא בכרסה אפילו
 הכין אין העבד נעשה שליו לקבל גט אשה מיד בעלה וכמא דמענית
 בה נהרא לקמיה עד סופה דקאמ' וחד אמ' הינו טעמה דרבי בחזקה³
 דעבר⁴ עובר ירך אמו ונעשה כמה שהיקנה לה אחד מן איגריה
 15 והא מתנ' דהזרק⁵ כל עריות שאמרו צרותיהן מותרות וקאתאני
 16 בגוה תצא מזה ומזה וקשייא לך לא משכחת לה דתצא אלא מחד
 כגון אחתיה דראובן ראינסיבא לעלמא ואית לה צרה ומית
 ההיא איניש מעלמא ואזל ראובן ונסבה לצרה דאחתיה
 לסוף אישתכח אחתה אילונית ופקינן לה מיניה
 מאי תצא מזה ומזה איכא האבא כלום
 20 מפקינן לה אילא מראיבן בלחוד: לאו הכין
 סוגיה דהא מתנ' ולאן כי היכין דקשיא לך
 הוא אלא סיגיא כל עריות שאמרו
 צרותיהן מותרות ומאי ניהו שש
 עריות חמורות מאילו וכל' מתנ'⁶
 25 מי איפשר למימר דאזל ראובן
 ונסבה לצרה דאחתיה וקתאני
 תצא מזה ומזה הא קא הויין בה
 בהדיא⁷ יכול שש עריות חמורות
 מאלו יהו צרות אסורות אמרת
 30 וכ' עד יצאי שש עריות

¹ *Gittin*, 23 b.² באנניה Read.³ Read 'קס' בהא.⁴ Read עסבר.⁵ *Mishnah Gittin*, VIII, 6; *Gemara*, *ibid.*, 80 a.⁶ *Mishnah Yebamot*, I, 3; *Gemara*, *ibid.*, 13 a.⁷ *Yebamot*, 3 b, where our texts have: . . . שיהיו צרותיהם: יכול שאני מרבה אף . . .

Recto.

חמורות מאלו הואיל ואי אפשר לינסות לאחין צרותיהן מותרות
 דאין צרה אלא מאח: אי לא הכין משכחת לה כגון דאית להון יבמין
 להלין שש עריות והלכו הצרות האילו וניסאו לשוק והלכו שש עריות
 האילו וניתבמו ונמצאו אילניות הלן צרות דולהון דאינסיבו לשוק כיון
 5 דיבמות נמצאו אילניות ויצאו הלן צרות דניסאו לשוק מן . . .¹ בעליהן
 ומיבמיהן וכל הדרכים האילו בהן: ומנ' לן דהכין היא ולא שיק ראובן דנסבה
 לצרה דאחתיה כל עיקר דקאמרינן² על הלכו הצרות האילו וניסאו:
 ניסאו אין זינו לא תימ' תיהוי תיובתיה דרב המנונא דא' רב המנונא
 שומרת יבם שזינתה פסולה ליבמה לא לא³ תיהוי תייבת' והכין קתאני
 10 ניסו והוא הדין לזינו והאיי דקתני ניסאו לישנא מעליא: ואמרינן
 לישנא אחרינא איבא דאמרו ניסאו והוא הדין לזינו נימ' מסייע ליה לרב
 המנונא דאמ' שומרת יבם שזינתה אסורה ליבמה לא ניסאו דוקא
 דמיחלפא בהאשה שהלך בעלה למדינת הים והשתה דרב המנונא
 לאו הלכה היא דעיקרא מן גמארא דארושה⁴ דאמרי במערבא לית
 15 הילכתא כרב המנונא ומקשינן ואלא הקתאני שומרת יבם וכנוסה
 ומפרקינן המנו ר' עקיבא היא דאמ' אין קידושין תופסין בחיבי לזין
 ומשוי לה כערוה: אבל ודאי דקשיא לך דאזל ראובן וניסבה לצרה
 דאחתיה הא לא איירינו בגוה כל עיקר והא מתנ' ר' עקיבא היא דאמ'
 יש ממזר מחיבי לזין ותוב דקשיא לך נמצאו אילונות קשיא
 20 כולהי אמרינן א . . . א⁵ אמי היכין אמרינן בה נמצאו אילונות קשיא
 לא קשיא לא סגיא דלא הוי או כולהון בכל חדא וחדא היני דלא מצית
 לה ליתיה ומע' לו דאמרינן הכין דתנן⁶ חמש עשרה נשים פוטרות וכול'
 וקתאני וכולן אם מתו או נמאינו⁷ או נתגרשו או שנימצאו אילונות ואן
 אתה יכול לומר בחמותו ואם חמותו ואם חמיו שנימצאו אילונות
 25 או שמאנו הא נמי תיהוי כי הנך ג'⁸ הכונס את יבמתו והלכה צרתה
 וניסת לאחר ונמצאת זו אילנית תצא מזה ומזה וקשיא לך מי איבא

¹ Read יְדִי.² *Gittin*, 80b, and parallel passages.³ From the second לא till קתאני are the explanatory words of the Gaon.⁴ *Soṭah*, 18b; the reference גמארא דארושה given in the text is incorrect, as the passage in question is not found in the fourth chapter of *Soṭah*, *דהיה מביא*, but in the second chapter, *פרק ארושה*.⁵ Read אֲמִי.⁶ *Mishnah Yebamot*, I, 1; *Gemara*, *ibid.*, 2a.⁷ Read מֵיָאוּ.⁸ *Mishnah Gittin*, VIII, 7; *Gemara*, *ibid.*, 80a.

VI ממזר מיבמה אין המני ר' עקיבא דאמ' יש ממזר מחיבי לאוין: כתב¹
 סופר גט לאיש ושובר לאשה ונתנו זה לזה וכו' ושאלתה לכם כתנא
 קאמא או הלכה בר' אליעזר אן הכין מהויה מילתה תנא קמא סתמא קאמ'
 30 אתא ליה ר' אלעזר פרשה למילתא אם לאלתר מצאה הרי זה גט אם לאחר

Verso.

זמן יצאה אינו גט ואתא ליה שמואל ורב אדה בר אהבה² ושבקה למימרא
 דתנא קמא לגמרי וקא האווי במומרא דר' אלעזר היכי דמי לאלתר והיכי
 דאמי לאחר זמן הכין מהויה מילתא דסוגין בר' אלעזר כשמואל³ ורב אדה
 בר אה' בעינו לאותובי תייבתא לשמואל תני לא כל הימנו שלבעל ראשון
 5 לאבר זכותו שלבעל שני בשלמ' לרב אדה בר אהבה דאמ' עמדו ונישאו
 הינו דאיכא בעל שני אלאל שמ' דאמ' כל זמן שיושבין זה הא לאלתר הא ליכא
 ניסו אין האכא כלל מאי שני קשיא הא מתנ' לשמואל ומפרקין אליבא דשמואל
 זכות הראייה לשני וקם ליה שמואל במילתיה ולא איתיתב ושמואל ורב אדה בר
 VII אהבה הלכה כשמואל — גט⁴ קבא הכל משלימין עליו ומאי משלימין עליו עדים
 10 דקאתני אפילו קרוב והשתה גט קרח ליתיה וגט מקושר ליתיה ולא עבדינן
 בהון מעשה וסלקוה רבנן לגט קרח דקאמ'⁴ מאי טעמ' דגט קרח גזירה
 משום כולכם וזימנין דהאויין ז'ח'ט' ואמל' כולכם חתומו ופאיש חד דלא חתים
 ולא קא מקימא שליחותיה דבעל הילכך גזרו ביה רבנן וכן מקושר כי
 דקאמ'⁵ אתרא דכהני הוא דהוה קפדי ומגרשי נשיהן והשתא לא נהוג גט
 VIII מקושר משום דלההוא אתרא דכהני הוא דתקינן להון רבנן: ודשאל'
 16 אפטורפא בנודמנה לו דרך יכיל למנווי הוא אפטור' אחרינא או לא
 כך ראינו דלא יכיל למנווי אפטור' חליפיה מאי טעמ' דמיתנא לדיליה
 הוא דהימניה ולא הימניה לההוא אחיר דההו הקמיה ולא מנייה ולא
 סמך עליה: דאמרינן בשלמא שביב מרע הימניה לדיליה על ממוניה
 20 דממונא דנפשיה הוא וכל דבר עביר ביה אלא אפטור' מי יכיל למינווי
 אפט' על ממונא דלא דיליה הילכך לא יכול אלא מה תקנתו ליתי לבי דינא
 ולימא קמי בי דינא דאנא נודמן לי דרך ואיני יכול לעמוד וניסתלק

¹ *Mishnah Gittin*, VIII, 8; *Gemara*, *ibid.*

² *Gittin*, 80 b.

³ Read . . . "and as to the difference of opinion between Samuel and R. Ada Bar Ahba . . ."

⁴ *Mishnah Gittin*, VIII, 10; *Gemara*, *ibid.*, 81 b.

⁵ *Baba Batra*, 160 b.

ix בבי דינא ולוקמון בי דינא אפטור' מן בית דינא ודוכתא דליכא מילחא
למומלח בישראי אם אן אפשר לאוכלו צלי מביא חתיכות בשר
25 ומניחו לפניו ומרתיה את הקדירה ער שיעלה עמוד ונוטל חתיכה
אחת וחוזר ומרתיה עד שעלה עמוד וחוזר ומוטיל¹ חתיכה אחרת
עד שייכלה בשר ודבר זה אסור למוסרו לנשים ולעמי הארץ
x שאין יכולין לעמוד על הולכות חליטה: ודוכתא דמצלו בה
וליכא ז' למיקרא בסיפרא תנן ומתלתי² ושפיר דאמי
וטפי עדיף מלמיבטל 30

Recto.

xi לבניו כיון דלא שקלין בלא שבועה ושבועה לא יכלין לאישתבועי³
xi^a מוריש שבועה לבגיו⁴ לא שקלין מידעם ופקע ממינהון והטענה שתי
כסף⁵ דפליג רב ושמואל⁶ אתא ליה ר' אבא שקלה למילתא דקא⁷ מתניתין כותיה
דרב וקראיי כואתיה דשמואל⁸ או לא מי דקאמרינן⁹ תאני ר' חייה לסיועי לרב הלכ'
5 ברב מאי טע' דמתנית' דר' חייה דוקא אינון דקאמר¹⁰ אמל' ר' לאו אמרי לבון כל מתנ'
דלא איתמרא בדבי ר' חייה ור' אושעיה לא תיתבו תיובתא מינה משבשתא היא ולא
xii איתמרא בי מדרשא לתרוצי: והא דקאמ'¹¹ מה פיו שאין מחייבו קנס מחיבו שבועה
ודאי הבין היא ולית בה קושיא מחיבו שבועה מודה מקצת טענה ישבע:
ואין מחיבו קנס כגון ל' שלעבד נ' שלאונס ושלמפתה וק' שלמוציא שם רע ונזק וחצי נזק
ועין שלעבד הלין כולהון אין משלם אדם על פי עצמו חדא מינהון¹² מעשה ברבן
גמל' שסימא את עין טבי עבדו והיה שמח שמחה גדולה מצאו לר' יהושע אמר לו
יהשע¹³ אי אתה יודע שטבי עבדי יצא לחירות אמר לו במה¹⁴ אמ' לו שכבר¹⁵
סימתי את עינו אמ' לו אין בדברריך כלום שכבר הודית אלמא כל קנס אין משלם
על פי עצמו אנת איתיה לך קושיא דלא דאמי ואמרת טעמה דאמ' לא חבלתי מעולם¹⁵
15 קנס על פי עצמו: קשיאן על הדאדי מאי קשיאן על הדאדי הכי קאמ' אי חבל

¹ Read ונוטל.

² = שונים ומשלשים; comp. *Seder R. Amram*, 29 a, and *Responsa Collection*, Mantua, 99.

³ Read אדם.

⁴ *Shebuot*, 48 a.

⁵ *Mishnah Shebuot*, VI, 1; *Gemara*, 38 b.

⁶ *Shebuot*, 39 b.

⁷ דקא אמר.

⁸ Read כש מואל או לא.

⁹ *Shebuot*, 70 a.

¹⁰ *Hullin*, 141 a, below, where our texts read:

אמר ליה ר' זירא לאו אמינא לכו כל מהניתא דלא תניא בי רבי

חייה ובי ר' אשעיא משבשתא היא ולא תותבו מינה בי מדרשא.

¹¹ *Baba Me'zia*, 3 b.

¹² *Baba Kama*, 75 a.

¹³ Not in our texts.

¹⁴ Our texts have למח.

¹⁵ Comp. *Mishnah Shebuot*, VII, 3.

ותפיש ליה לחובל ואמל' חבלת בי כי מורי ליה משלם על פי עצמו ניהו או
בתביעותא דניחבל יוצא דתפיש ליה וקאים קא משלם ליה הילכך לא דאמיא
XIII הא מילתא להא מילתא כל עיקר: והא דאמ' ¹ ראמי בר חמא המגביה מציאת
חבירו קנה חבירו הילכ' היא דקאמ' ר' אמל' רב אחא בריה דרב אויה לרב אשי דוקיה
20 דראמי בר חמא מיהיבא ומשנינן כמא' שינויי וסלקינן אלא שמע מינה
המגביה מציאה לחבירו קנה חבירו וכי תימא משום ראבא ראבא אימלך ²
בעלמא קאמ' ושקולה בעל' דקא משקיל ליה לעולם אימלך ² לא קנה חבירו
ומסקאנא ³ קאמרינ' אמ' ראבה בר בר חנה ⁴ אמ' ר' יוחנן המגביה מציאה
לחבירו קנה חבירו ואם תאמר משנותינו דאמ' תנה לי ולא אמ' ליה ⁵
25 זכי לי: ואף רב נחמן הס הדין סבירא ליה דקאמ' ⁶ מילא ונתן
לחבירו רב נחמן אמ' כרגלי מי שניתמלאו לו רב ששת אמ'
כרגלי הממלא והויינין בה כמא' ⁷ ואמרינן במסקנא אילא הכא
במגביה מציאה לחבירו קא מיפלגי רב נחמן ורב ששת מר
XIV סבר קנה חבירו מר סבר לא קנה חבירו: מציאת פועל
30 דקאמרינן ⁸ בקרקע עולם או ברש' הרבים אי נמי בקרקע שלבעל
הבית בזמן שאין בעל הנית עומד עימו דקאמר' אמ' ⁸ עילא

Verso.

... שעומד בצד שדהו הו וכן אמ' ר' אסי וכן אמ' רבה בר בר חנה אמ' ר' יוחנן ⁹
xv אבל אין עומד בעל הבית בעד שדהו מציאת פועל לעצמו: ודשאלת
מאי איכא ¹⁰ בין נכוש עימי לעדר עמי לעשות עמי מלאכה היום כך הדין נכוש
עימי קים שיעוריה וכן עדר עמי קים שיעוריה והכי קאמל' בעל הבית
5 לפועל נכוש עימי ד' ה' שעות וכן עדר עמי דכיון דכוליה דיומא לא
משעביד ליה לבעל הבית בההיא שארא דשעות דלא משעבר ליה לבעל
הבית כי משכח מציאה לעצמו והינו דקאמרינן מציאת פועל לעצמו אבל
אמר לו עשיה עימי מלאכה היום כיון דמשעבר ליה כוליה דיומא מציאתו
לבעל הבית לאו טובא איכא בין נכוש עמי לעדר עימי לעשות עמי מלאכה
10 היום: ור' יוחנן אמ' האכא בעבד נוקב מרגלית עסיק דמלאכתו חשובה הרבה

¹ *Baba Meṣia*, 8 a.² איכא לך =³ *Baba Meṣia*, 10 a.⁴ Editions and MSS. read בר אבא.⁵ This is also the reading of MS. M.⁶ *Beṣah*, 39 a.⁷ ככיה =⁸ *Baba Meṣia*, 11 a.⁹ *Baba Meṣia*, 11 a. The reading of our fragment agrees with MS. M., comp. Rabinowicz, *Var. Lect.*, ad loc.¹⁰ *Baba Meṣia*, 12 b.

דכין דמישתכיר י' זוזי ביומא אין רבו רוצה לשנותו במלאכה אחרת
 ומלסח דעתיה דבעל הבית לא משגיל¹ ליה לענין מציאה משום הכין
 מציאת פועל לעצמו: ראבה אמ' במגביה מציאה עים מלאכה דלא קא
 פחתא מלאכה דבעל הבית מש' הכא מציאת פועל לעצמו: רב פפא אמ'
 15 כגון ששכרו ללקט מציאות והיכי דאמי דקפאי אגמא כוארי² דבהרי
 כוארי אשכחה לההיא מציאה ולא קאפסדא מלאכה דבעל הבית משום
 xvi הכין מציאת פועל לעצמו ודשאלת³ לפני ולפני לפני מאי ניהו הכין
 פירושה: אמ' ראבה⁴ זו אין צריכה לפני הא שמתא לא עמיקא ולא
 נפיש הוייה ולא צריכא עומקא דליבא אבראי אבראי דליבא אידוע
 xvii פירושה אמל' אביי טובא עמיקא וצריכא ג. . י⁵ דליבא: שטרי
 21 חלטאתא ואדרכתא⁶ חלטאתא שטרי⁷ כידמתרגם לחלוטין:
 אדרכתא גברא דפקד מן דינא ולא יהיב מאי דאית עליה
 כתבין לאידך אדרכ' אניכסיה: הנפק כגון דכתיב ביה כתבא דנן
 נפק לקדמנא ופסיק ביה דינא ולא שטרא דעדים בלבד דעדאן
 xviii צריך למיפק לבית דינא לקיומיה: מר אמ'⁸ חד' ומר אמ' חדא ולא
 26 פליגי: הכין פירושה מי סברת חדא מילתא היא ופליגין
 אמורי על הדאדי מר אסיר ומר שארי מר מטמא ומר
 מטהר ופליגין על הדאדי הלן ב' נינהו מר אמ' חדא ומר אמ' חדא
 ולא פליג על הדאדי מר מורי בדמר ומר מורי בדמר:
 xix דקא קשיא לך דאין⁹ אדם חשוב הוא קאני ואין אינש זילא
 31 הוא קאני ואי אשה חשובה היא קניא אם כין מאן לא קאני

Recto.

הכין פירש דאמרינן¹⁰ לענין מציאה רכוב בשדה קנה בעיר לא קנה
 ומקש' רכוב בעיר אמאי לא קנה ומסקנא או נשיא או גאון או אב'¹¹
 דאדם חשוב הוא קנ' כשהוא רכוב בעיר מאי טע' דלאו דרכיה לסגוי
 בכרעיה ואי אינש זילא הוא כגון עבדא או מיכורי¹² או גאוסין¹³ או אינוש

¹ כשגר =² This reading agrees with that of MS. Rome II.³ *Baba Mezia*, 16 a.⁴ Editions and MS. רב יוסף.⁵ Read גורי.⁶ *Baba Mezia*, 16 b.⁷ Read שטרי כחה, as given in the Geonic Collection שטרי צדק, p. 90 a.⁸ *Baba Mezia*, 11 a.⁹ Ibid., 9 b, on top.¹⁰ *Baba Mezia*, 9 a-9 b.¹¹ אב ביה דין = אב'.¹² מיכורי = Pers. مَيِّخَوْر "wine-bibber."¹³ In Pers. "watchman."

5 דזילא נפשיה עליה קאני ואי אשה חשוכה דלאו דרכה לסגויי בעיר
 בכרעה קאניא: אבל אנשים אמצעיים כגון תלמ' חכמ' או סוח' או בעלי
 בתים וכי היכי דאמרין טעיית מן אָוסאָ בא"נים" ¹ דדרכו להלך ברגלו
 xx בעיר לא קאני כשהן רכובין בעיר: ודשאלת ² הי כי דאמי טובת הנאה
 אינה ממון לקנות ממנו בחליפין הכין פירוש כגון איתתא דזבינתה
 10 לכתובתה שוי ק' זוזי בכ' זוזי כי דאמרין בטעיית דרב כעבתין אמא
 לַהֶאָ ואמא עליהא ³ או דאמרא ליה אי מאת בעל קמת לה כתובת אי ברשותאי
 שקיל לך שוי ק' בכ' ואי מיתא ההיא איתתא קמת לה כתוב' בחיזקת בעל
 ואזלי כ' זוזיך וקאמר' לא אלימא הדא מילתא לקנות ממנה בחליפין רב
 xxi פפא אמ' דעת אחרת מאי ניהו: לפנים ⁴ ר' יוחנן אמ' הנמושות ⁵ כבר
 15 מפרשין האני דאזלו על תיגדא ומאי ניהו גבול על כל שדה ושדה ר' שמע'
 בן לקיש אומ' ליקט בתר ליקט לקט אחר לקט דלית בה ממשא אילא דבר
 xxii מועט תרארא ⁶ הכי קאמל' ר' אבה לרב עמרם כגוף אטים בעולם
 שאן בו חלל דלא קא ידעת פירוש דשמעתא כל עיקר ובלשון קדר ⁷ הוצאה
 xxiii שמו: טיבעא מכריו ⁸ דלא מכריו לא כסף ולא מטבע סתם אלא
 xxiv מטבע שלמלך פלני ושלמדינה פלונית: מן הצאן ולא מן הפלגם ⁹
 21 הכין פירושה שיה בן שנה איל בן שתי שנים כגון שעברו יג' חדש או
 xxv יב' חדש יצא מכלל שנה ולכלל איל לא בא ופלגם שמו: וששאל'
 היכי דאמי מינין הראוי לענין מעשר ¹⁰ לענין מעשר בהמה דקאמר'
 כאיזהצד הוא עשה כונסו ועשה לו פתח קטן כדי שלא יהו ב' יוצאין בבת
 25 אחת ומינין בשבט א'ב'ג'ד'ה'ו'ז'ח'ט' יצא עשירי סוקרו בסיקרא ואומר
 זה מעשר יצאו ב' בתשיעי אף על פי שהוא קורא אותן ט' כיון ש... ¹¹ פוטר
 עימו אחר שהוא ראוי לעשירי פוטר את כולם והינו מונין הדאדי
 xxvi ודשאלת ¹² המוכר שור לחבירו ונמצא נגחן הילכ' כואתיה דרב או
 הילכ' כשמואל הכין חזינא דהלכת' בשמואל חדא דקיימא לן בעלמא ¹³ רב
 30 ושמואל הלכה כשמואל בדיני ועוד קימין חכמין כואתיה דמניא ¹⁴ שור

¹ Reading very doubtful, and as it stands gives no sense. מן זִיסא בָּאִים
 "he who does not belong to the average classes of men," would fit very
 well after גאוסין in l. 4.

² *Baba Meṣia*, 11 b.

³ I am unable to explain this phrase satisfactorily.

⁴ The copyist was going to give Responsum XVI here, but reminded
 himself in time that he had written it on the previous page.

⁵ *Baba Meṣia*, 21 b.

⁶ *Ibid.*, 20 b.

⁷ Arabic?

⁸ *Baba Meṣia*, 25 a.

⁹ *Pesahim*, 47 b.

¹⁰ *Baba Meṣia*, 6 b, below.

¹¹ Read שהיא.

¹² *Baba Kama*, 46 a; *Baba Batra*, 92 a.

¹³ *Bekorot*, 49 b.

¹⁴ *Baba Kama*, 47 b.

Verso.

שנגח את הפרה ונמצא עוברה בצידה ואין ידוע אם עד שלא נגחה ילדה או
מישנגחה ילדה משלם חצי נזק לפרה ורביע לולד דברי סמכוס וחכ' אומ'
המוציא מחבירו עליו הראיה : ותוב קאמ' אמ' ר' שמואל בר נחמני אמ' ר' יונתן¹
מנין למוציא מחבירו עליו הראיה שנ' מי בעל דברים יגש אליהם יגש ראייה
5 אליהם ואף רב אשי הם² הדין סבירא ליה כי בהי לא³ קשיא הא קרא מצרוך ליה
ומפיק ליה לדרב נחמן אבל למוציא מחבירו עליו הראיה בשמואל סבירא ליה
דקאמ' מתקיף ליה רב אשי הא מילתא למא לי קרא דכייב ליה ראשיה⁴ איהו⁵
אזיל לבי אסיא אלא קרא למאי אתא לכידרב נחמן הילכך מן הלין טעמ' בספסא⁶
דזבין לשחיטה וזבין לרידיא ובאקי⁷ בסכא וקם בדמי רידיא רב סבר בתר
10 רוביה אזיל ושמואל סבר כי אמרינן בתר רוביה אזיל ושמואל סבר כי אמרינן
בתר רוביה אזיל⁸ הני מילי לענין איסורא אבל לענין ממונא המוציא
מחבירו עליו הראיה וכן הלכה : ודכתבת אי שמואל קשיא הא⁹ מום
אחר וסנפו בין המומין מאי קשיא הא שמואל והא המכר פרה לחבירו ר'
XXVII יוחנן לא שמ' ¹⁰ בכל התורה כולו גברא ¹¹ אנברא קא ראמית : והמוכר ¹²
15 לחבירו ונמצא גנב או קובוסטום הגיעו הילכתא היא מאי טעמ' דלא
מותבינן תיובתא או סייעתא אלא מן מתנ' או מן בראיתא דהל' היא
XXVIII ודכתיב ¹³ זרעיני גינה שאינן נאכלין נותן לו דמי זרעו ואף על גב דמתנ' קאתני
אפילו זרע פישתן אין חיב באחר' הקאמרינן בדוקא דגמרא תנא קמא
נמי הכי קאמ' זרע פישתן היא דאין חיב באחר' הא זרעוני שאין נאכלין
20 חיב באחריותן אימא הכין מסקאנא דכי יהיב ליה דמי זרעו יהיב ליה
דקא אמרינן מהו נותן לו דמי זרעו וכי תימ' קאתאני יש אומ' הוצאה
XXIX יש אומ' יחיד הוא ויחיד ורבים הלכה כרבים¹⁴ : ודאמ' רב הונא אם בא
לנפח מנפח¹⁵ את כולו קיצותא כי דתני במתנ' המוכר פרות לחבירו הרי זה

¹ ר' יונה is not in our text, but it is found in the MSS. of the Talmud, comp. Rabbinowicz, ad loc.

² The writer first abbreviated סבירא to 'הס', then changed his mind and wrote it in full.

³ Read לו.

⁴ Editions and MSS. read כאינא or כינא instead of ראשיה.

⁵ Editions omit איהו, but MSS. have it.

⁶ Read דקאמרינן.

⁷ Read ויקר or ואוקך.

⁸ Repeated by mistake.

⁹ *Baba Mezia*, 80 a.

¹⁰ = שמענו.

¹¹ *Erubin*, 82 a, on top.

¹² *Baba Batra*, 92 b.

¹³ *Ibid.*, 93 a-93 b.

¹⁴ *Berakot*, 9 a.

¹⁵ Editions and MSS. : לנפח מנפח.

מקבל עליו י' טטפות¹ לסאה וכ' מתנ' ואפילו עדשים דקאמר' עדשים
 25 איצטריכא ליה מהו דתמ' כיון דמיקר אקרו² להו אימ' ניקבל רובי³ קמלן⁴ דלא
 כולהו להים גבול דאמור רבנן במתנ' אבל כי אתנו עליה הכל לפי תנאו והא דרב
 xxx הונה כד אתנו עליה היא מקפא⁵ חמרא מעולה שבמעולין דראוי למישירייה
 בקידרא מרצופא⁶ דמיזרבן על קרנאתא⁵: חמרא גרועא דלית ביה
 xxxi אלא מראית בעלמא: ודכ'⁷ הא דאמ' ר' יוחנן משום ר' שמעון בן יוצדק
 30 דשאלת מן קדמ' לפרושה לך לכולה הכין פירושה שמרים

LOUIS GINZBERG.

¹ Read טיפה ד'.

² Phonetic orthography for דמיעקר אעקרי.

³ Editions and MSS. read differently.

⁴ *Erubin*, 82 a, on top.

⁵ = מקשה, *Baba Batra*, 95 b.

Read פורצמא.

⁷ *Baba Batra*, 97 a.

ASHTORETH, THE GODDESS OF THE ZIDONIANS.

THE great antiquity of historical monuments, both in Babylonia and in Egypt, creates, so to speak, an illusion of perspective. We forget that the pastoral life of the wilderness, though by its very nature it could leave no memorials such as these, is yet in its essence more nearly primitive, and may well be actually older, than the life of cultivated lands and of cities, the religion of great temples, and the polity of settled states. It may indeed be doubted whether, in their natural condition, the fertile valleys of the Nile and the Euphrates were so well fitted to sustain the life of man as the less favoured regions of Arabia. It is certain that even to-day the tongue of the desert is less changed from the primitive Semitic than the Hebrew of the Scriptures or the Assyrian of the monuments¹. The Babylonian Pantheon comes to us as shaped and adorned by the influence of established priesthoods and the growth of literature during ages of civilization, and we must not expect to find in it a mirror of primitive religion.

It is sometimes incorrectly said that the Hebrew Bible contains no word for "goddess." In truth the well-known conjunction of *הבעלים* and *העשתרות* corresponds closely to the Assyrian *ilāni u-ištarāti*, and cannot well be rendered otherwise than by "the gods" and "the goddesses." Neither Bel nor Ishtar is in origin a proper name. The former may indeed be applied to a particular deity, or

¹ See Driver, *Tenses*, 3rd ed., § 180, and Sweet, *History of Language* ("Temple Primers"), pp. 20, 30, 31, 82, 83. Cf. also A. Yahuda, *Die biblische Exegese in ihren Beziehungen zur semitischen Philologie* (Berlin, 1906). But compare Gesenius-Kautzsch, Eng. trans., p. 7, note 1.

even a supreme God—the God of Nippur, of Babylon, or of Israel¹; but it remains essentially a common noun, and the same is true of the latter. And when we ask the meaning of *ilu*, it may be well to bear in mind that in the expressions cited, *ilāni* are equivalent to בעלים, and that both supply the complement of 'ashtaroth.

We may form a probable conception of the early Semites as living in nomad clans, constituted by the tie of female kinship; deeming themselves, in accordance with the habits of primitive thought, akin to the flocks from which they derived their sustenance, drawing no distinction in kind between the spirit of man and that of the beast, between spirits of the dead and those of the living, or between gods and spirits of the dead; tracing therefore the ancestry alike of their flocks and of themselves to a common divine mother, ambiguous whether woman or ewe, from whose favour and protection they sought the two great blessings which formed the essential conditions of their life; for her daughters, of the flock as of the clan, a numerous offspring and a safe delivery; for her sons, victory against their enemies. Such, I cannot doubt, was the "Rachel" or "Ephrath," the *Ewe, that maketh fruitful*, from whom the chief tribes of Northern Israel traced their descent. She it was who, we read, died in giving birth to a son;—a spirit, therefore, either dangerous or propitious to women in travail. Would we know with what intent she was worshipped at the sacred pillar, or מצבה, which marked her reputed grave, we need but turn to the striking parallel in Mr. Hartland's *Legend of Perseus*—a repertory of usage and belief not less valuable than *The Golden Bough*:—

"The Tusayan, one of the pueblo tribes of North America, have a legend of one of their women who, being pregnant, was left behind on the Little Colorado in their wanderings. Beneath her dwelling is a spring, and any sterile woman who drinks of it will bear children" (op. cit., I, p. 116).

¹ בעלים, 1 Chron. xii. 5; Hos. ii. 18.

This was the immortal mother whose voice was heard in Ramah; "lamentation, and bitter weeping, Rachel weeping for her children; she refuseth to be comforted for her children, because they are not" (Jer. xxxi. 15).

Where the sole wealth, *מקנה* or *עֶשֶׂר* (Gen. xxxi. 16), of a people consisted in their flocks, it is not surprising that the ewes of which the latter were composed should be called by a term (*עֲשֹׁתֶרֶת צֹאֲנִים*, Deut. vii. 13) derived from the root *עֶשֶׂר*. The formation presents no great difficulty. The *ת* is inserted after the first radical, as in the Assyrian nouns, *gitmālu*, *ritpašu*, the adverb *hitmutiš*, and the Iftaal of the verb; and then transposed with the following sibilant, as in the Heb. Hithpa'el¹. And if the divine mother of clan or flock could be called *רחל*, it was equally natural that she should be known as *עֲשֹׁתֶרֶת*. This is clearly the primitive form which in Hebrew might appear as *עֲשֹׁתֶרֶת* or *עֲשֹׁתֶרֶת*, and which, with an affirmative *ת*, has been handed down to us as *עֲשֹׁתֶרֶת*². It is the custom to say that the points are those of *בִּשְׁת*, but this supposition is inapplicable to the first vowel, needless as regards the third, and perhaps not free from doubt in relation to the second. If the informative *ת* may be taken to indicate gender, it is worth observing that *עֲשֹׁתֶרֶת* stands to the root *עֶשֶׂר* much as *אֲשֵׁרָה* to *אֲשֵׁר*. It is plain that *'ishtar* is derived from *'ashtar*, while the contrary is impossible.

Originally, the number of the divine *'ashtaroth* must have been equal to that of the clans tracing descent from them. The individual Person of the Epic, emancipated from the bounds of kindred and locality, and in time worshipped from Chaldea to Carthage, belongs to a far more advanced stage of thought. Yet in the energy and independence of her character, in her position of privilege and superiority towards her suitors, she always bears the mark of the matriarchal state, and presents a striking

¹ Cf. Delitzsch, *Assyrian Grammar*, Eng. trans., § 65, No. 40, p. 181.

² Ass. *Ištārtu*, *Iš-ta-ri-tum*.

contrast to the pale and colourless reflections who form the consorts of Chaldean gods¹.

An important step in this development was taken by passing from the notion of the many mothers of many clans to that of a general mother of the race, **אם כל חי** (Gen. iii. 20). The idea of the divine mother, especially where she is held to have died in childbirth, carries with it that of the divine babe, and where the men of the clan are still regarded as sons of the matriarch, the child will naturally be a son, since the women will associate themselves with the mother. This typical man-child is the **בן אוני** or **בנימין** of the touching legend—no names of a tribe, but of a god². Approaching the same subject from an opposite direction, we shall perceive that, in accordance with the matriarchal scheme of thought, the first man that was born is necessarily the son of the general mother. In such a case *la recherche de la paternité est interdite*; but suspicion must fall upon the ram-god. From the pastoral standpoint, the first man is of course the first shepherd, himself of kin to his sheep. In Gen. iv. 20, he appears, if I mistake not, under the name of **יבל** = Ph. **יבל** *ram*, having for his brother the first musician, **יובל**, not to be distinguished, except by an artifice, from **יובל**, *ram*, or *ram's horn*. In ver. 2 of this chapter the first shepherd bears the name of **הבל**, which may possibly be due to an intentional alteration, but I am inclined to seek the origin of both **הבל** and **שֵׁת** in legends of the miraculous impregnation of the solitary mother of the race. A vast collection of examples may be found in Mr. Hartland's first volume, above cited. There may be a connexion between **שֵׁת**, **נִשֶּׁה**, and **מְנִשֶּׁה** (cf. Gen. xxxii. 33), so that **שֵׁת** would signify a begetting = *τὸ γεννώμενον*, while **מְנִשֶּׁה** would be a predicate of the ram or bull-god, like **יִצְחָק**, or an attribute such as **אֶתֶרֶן** or **אֶפְרַיִם**.

It may prove of importance to observe that in meaning

¹ *Dawn of Civilization*, pp. 663-5, 672, 673.

² In *J. Q. R.*, XI, 247, I failed to grasp this.

יָבֵל and יִבְלֵ are strictly parallel to אֵיל *ram* or *chief*, in the sense of *leader*. As, with the advance of paternal kinship, men came to trace their ancestry, and pay their worship, to the patriarch of the tribe and of the flock, they employed, to designate and invoke the male divinity, the term אֵיל or *ilu*, parallel in signification to the matriarchal עֶשְׂתֶּר. I may with confidence appeal to the verdict of anthropological science as to whether the conceptions of the matriarchal Ewe and the ancestral Ram, as the gods of pastoral life, be not more consonant with the simplicity and concreteness which mark an early stage of thought than the abstract "goddess of fertility and reproduction¹," or the vague "goal" or "point at which the eye aims²," which, upon too narrow or too subjective a view of the evidence, distinguished scholars have offered to us in their place. Neither Hebrew texts nor Assyrian monuments can be understood in isolation.

If, however, we venture to affirm as probable that the Semitic word for *god* originally bore the concrete signification of a *ram*, we must at the same time keep in mind, firstly, that this mode of thought is neither primitive nor universal, but an incident of the pastoral stage. It would be unintelligible to the hunter or the fisher, while in agricultural and urban life the term tended to be replaced by בָּעַל. And secondly, that the Ram was conceived as a Spirit, a Father³, and a Leader, as well of the tribe as of the flock.

In the settled life of Chaldea, Ishtar has her parallel in E-sharra, a goddess, it would seem, not of the flock but of the soil, and in another aspect the goddess of war⁴. The same double office was exercised by her son Ninib, at once

¹ *E. B.*, art. Ashtoreth, § 4.

² *Babel and Bible*, pp. 69, 70, 125-9.

³ Or at first, perhaps, a kinsman. In this point of view אֵל is equivalent in meaning to the terms אָב, אָח, and אָדָם, so frequently employed in its place in the formation of proper names.

⁴ For Esharra see *Dawn of Civilization*, pp. 645, 646, 672.

a soldier and the god of labourers, as well as patron of the brick-field and founder of cities¹. These attributes are of interest to the biblical student, for we know that Ninib had a sanctuary near Jerusalem, and they are identical with those ascribed to Cain. Cain was the firstborn of the general mother "Eve," a tiller of the soil and founder of a city. His name, קַיִן, signifying Spear, shows that he too was a man of war, as we know that he was accounted the first shedder of man's blood. It is extremely probable that the weapon itself received worship, and that the personal Cain was the god within the Spear. Nor would it be surprising, were it possible, to learn that the Canaanites called upon Ninib by the titles of בעל קין and בעל לחם. To the Spear-god, the nomad Kenites also traced their descent, and attributed their wanderings to his crime. And even without taking קַיִן to mean "artificer," it would be very natural to identify the Spear-god with the inventor of implements of metal, תּוּבַל², to whom he stands much as יובל and יבל to הבל.

Thus far we have been mainly concerned with the religion of the flock, nor have we as yet gathered evidence to show any connexion between it and the worship of the heavenly bodies. In the astro-theology of the Babylonians³, the star of Ishtar was the planet Venus, whilst the moon was a great god, Sin⁴. Yet in the Sumerian hymns Ishtar is called the daughter of the moon-god⁵. And in Semitic texts Ishtar is called *bēlit šamē* and *šarrat šamē*, the latter exactly corresponding in meaning to the Hebrew *malkat haššamayim* "queen of heaven"⁶; while the title *šarratu* is borne in like manner by Sin's consort⁷. "As he is the man-moon, she is the woman-moon, his beloved, and the mother of his children Shamash and

¹ For Ninib, see *Dawn of Civilization*, p. 576, note 3, p. 645, note 2, pp. 647, 672, 753.

² תּוּבַל and קַיִן may perhaps be regarded as alternatives, like יהוה and אלהים in chap. ii.

⁴ Ibid., Queen of Heaven, § 3.

⁶ Ibid., Queen of Heaven, § 3.

³ E. B., art. Ashtoreth, § 4.

⁵ Ibid., Art. Milcah.

⁷ Ibid., Sarah, § 2.

Ishtar¹." "In the days of the past . . . Ea charged Sin, Shamash, and Ishtar with the ruling of the firmament of heaven ; he distributed among them, with Anu, the command of the army of heaven, and among these three gods, his children, he apportioned the day and the night, and compelled them to work ceaselessly²."

The matriarch is subject to no lord, and cannot be the consort of a king. Yet it is clear that in these fluctuating conceptions a close relation is supposed to obtain between the spirit of the star and that of the moon. Nor is the reason far to seek. As the orbit of Venus is interior to that of the Earth, the planet can never appear at a great distance from the Sun, and shines brightest when, "in conjunction," it occupies a position between the two, and is in fact a crescent. The New Moon occupies a similar position, and it follows that New Moon and Evening Star appear together in the fading glow of sunset, to herald the approach of night, the season of love. These facts were expressed by making the Queen of Heaven daughter of the Moon-god ; Ishtar, of Sin ; and Rachel, of Laban.

We must now turn to another region, and a later age, to the basin of the Mediterranean and the epoch of Phœnician commerce and colonization, to the cult of Ashtoreth presented on the relics of Phœnician Art.

It may be said, with some justice, that the Phœnicians had no art, but only an "art-manufacture," a craft without invention, of which the most general characteristic is the combination of motives borrowed, with imperfect understanding, from the art and mythology of Egypt and Assyria ; while its specific hall-mark consists in the ever-recurring sign of Disk and Crescent. It is impossible to

¹ *Dawn of Civilization*, p. 664.

² *Ibid.*, p. 658 ; cf. Gen. i. 16. Elsewhere the same office is ascribed, not to Ea, but to Marduk, *ibid.*, p. 545 : "He lighted the moon that she might rule the night, and made her a star of night that she might indicate the days." The whole passage should be read.

suppose that the Canaanite craftsman employed this symbol without the definite intention of associating his work with the object, or objects, of his religious faith. It would be strange if it involved no reference to Ashtoreth, the goddess of the Zidonians¹.

The symbol is as old as the period of the Jewish Monarchy, for it is found upon a seal² discovered in the foundations of one of the Khorsabad bulls. "It must have been put there before the building of the palace . . . at any rate it dates from the reign of Sargon." It bears the name of עברבעל. And there is another seal bearing the name, and, it would seem, the representation of one אביבעל, who may without improbability be identified with the father of Hiram, king of Tyre—the only Abiba'al in the imperfect list of Tyrian kings.

"The figure of the prince himself is dressed in the Pharaonic costume. He raises his right hand, the palm turned outwards; in his left he holds a sceptre crowned by the disk and crescent ornament. Behind him appears a standard with the same emblem, and above it a hawk with its head turned over its shoulder. In front of the king's forehead there is a four-pointed star" (op. cit., II, 242).

Clearly, these are the symbols of a state religion, though of one which has borrowed much from Egypt, as Rome borrowed from Greece and from the East. Yet we may presume that there was in the first instance so much of resemblance or analogy between the Syrian and Egyptian deities as to render this fusion possible. Thus Maspero tells us of the Monîtû, who from the dawn of history frequented the Sinaitic peninsula, that "they worshipped a god and a goddess whom the Egyptians identified with Horus and Hathor; one of these appeared to represent

¹ "In Sidon Astarte is the principal divinity." "Sidon, the greatest of the Phoenician or 'Sidonian' towns." "In the O.T. the Phoenicians generally are named Sidonians," *E. B. art. Phoenicia*, cols. 3743, 3733, 3731.

² Perrot and Chipiez, *Phoenicia*, Eng. trans., vol. II, fig. 170.

the light, perhaps the sun, the other the heavens¹." And, in the present instance, no Egyptian would have failed to recognize a Horus in the hawk upon the seal of Abiba'al. "Some said that the sky was the Great Horus, Haroêris, the sparrow-hawk of mottled plumage, which hovers in highest air, and whose gaze embraces the whole field of creation²." In this case the sky is also regarded as a face (*horû*), of which the Sun is the right, and the Moon the left eye. On the other hand, "whether under the name of Horus or of Anhûri, the sky was early identified with its most brilliant luminary, its solar eye, and its divinity was as it were fused into that of the Sun³." This is parallel to the identification of Sin, or Nannar, with Anu, the Moon-god with the Lord of Heaven.

Again, the Sky was regarded as a female divinity, having either the human form⁴, or that of a cow⁵, "a large-eyed Hâthor, of beautiful countenance⁶." Hat-hor, "the abode of Hor," was naturally considered as his mother, and is therefore represented bearing the solar disk between her horns⁷; a piece of symbolism important for our purpose, since it was applied to the goddess of Byblos, the *ba'alath Gebal*, who is thus represented on the stele of king Jehawmelek in the Persian period⁸. But it would in my opinion be a mistake to seek in this direction the origin of the Disk and Crescent. "The Egyptian emblem of the moon became a half-moon with the sun or a star above it," says Prof. Meyer, with a certain lack of precision⁹. If we turn to *The Dawn of Civilization*,

¹ *Dawn of Civilization*, p. 354.

² *Ibid.*, p. 86, *ad init.*

³ *Ibid.*, p. 100.

⁴ "Nuit the Starry One," *ibid.*, p. 86; cf. figs., p. 89, and p. 129.

⁵ *Nuit*, *ibid.*, p. 169.

⁶ *Ibid.*, p. 87.

⁷ *Ibid.*, p. 88. Note that it is as a calf "that the Egyptians were pleased to describe the Sun-god, when Sibû, the father, was a bull, and Hathor a heifer," *ibid.*, p. 89. This may serve to Explain the *Calf* of Bethel; the divine Child in animal form.

⁸ Perrot and Chipiez, *Phoen.*, vol. I, fig. 23; cf. 26, and vol. II, fig. 6. *E. B.*, Phœnicia, § 8.

⁹ *Ibid.*

at p. 93 we shall find an excellent example of the Egyptian symbol in its primary form. Here there is no question of the sun. It is the Lunar, as distinguished from the Solar Barque, which is represented. The appearance indicated is that which may often be observed at New Moon—the fine and brilliantly illuminated crescent seeming to enclose, and from its superior brightness to overlap, the dimly lighted remainder of the disk. This is “the Old Moon in the New Moon’s arms,” as described by the bard who wrote “The grand old ballad of Sir Patrick Spence.” It is the French “*lumière cendrée*”¹; “crescent, with full moon shown therein”². In the hieroglyphic character the moon was depicted by a crescent inclosing an imperfect disk³. And that this symbol did not lose its lunar significance, even in Carthaginian Africa, may be seen on a lintel at Ebba⁴, where it is at once associated and contrasted with the rayed disk of the sun. On the other hand we have, on a seal, the same rayed disk grouped with, but not conjoined to, the simple crescent⁵. And upon the coins of Cyprus, we find the simple crescent associated with a star of six or eight points, which in this connexion can be nothing but the star of Ishtar, the planet Venus, hanging directly over the temple and image of the Paphian goddess⁶. Here surely the synthesis of Ashtoreth and the Moon has been completely achieved.

Some further light is thrown on the employment of these symbols by a passage in an article of Prof. P. Jensen, on “The so-called Hittites and their inscriptions”⁷. “At Boghazköi . . . we find inscriptions with the winged disk

¹ Perrot and Chipiez, *op. cit.*, II, 268, note citing Clermont-Ganneau.

² *E. B.*, art. Phoenicia, § 8.

³ *Dawn of Civilization*, p. 221.

⁴ *P. and C.*, I, fig. 234.

⁵ *Ibid.*, II, fig. 47.

⁶ *Ibid.*, I, figs. 58 and 199.

⁷ *Explorations in Bible Lands during the Nineteenth Century*, by H. V. Hilprecht . . . with the co-operation of . . . Benzinger . . . Hommel . . . Jensen . . . Steindorff, Philadelphia, 1903, p. 763; cf. p. 271.

of the sun at the top . . . In one instance . . . the winged disk is represented as an eight-rayed star enclosed in a ring. Above it appears Venus, likewise represented as a star . . . In Assyrian sculptures the king has the same winged disk before or above him, and with it very often we find other symbols and characters, the moon and the Venus star being especially frequent." And in a Phoenician bowl from Palestrina, the ancient Praeneste, which may now be seen in the Museo Kircheriano at Rome, we witness the sacrifice which follows a successful chase¹. The sun's winged disk, and in an inferior position the lunar disk and crescent, respectively overhang two altars, of which, it is worth observing, only that assigned to the former divinity sustains *a blazing fire*.

Of Phoenician *'ashtaroth*, one among the most important was תַּנְתַּ פְּנִבְעַל, the goddess of Carthage. Her name deserves our attention, and I shall venture to explain it, in defiance of the Encyclopaedia Biblica, but in accordance with Biblical usage, as parallel to another divine appellation, עֲשֹׁתֶרֶת שֵׁם בְּעַל. Referring to local divinities (who, I must observe in passing, are not necessarily distinguished from the celestial powers, since these, when worshipped, must be worshipped *somewhere*) the learned writer of the article "Phoenicia" well says that on them depends—

"the prosperity a man desires in his own immediate circle and in the home . . . fruitfulness of field and flock, success in trade, victory in war. To these local deities prayers are made and sacrifices offered, and to them the grateful worshipper returns thanks when the god has 'heard his voice and blessed him,' as the standing formula in the Phoenician inscriptions runs²."

Yes; but if you invoke the aid of a god, you must needs call upon his name, and when you pay your vows you must in like manner come before his presence. When, therefore, we meet with divine appellations which may

¹ Perrot and Chipiez, *Phoen.*, II, fig. 267, pp. 343-6 (description of Clermont-Ganneau).

² Art. Phoen., col. 3744.

naturally be read "Ashtoreth, Name of Baal," or "Tanith, Face of Baal," we may legitimately infer that in these particular cults the invocation of Ashtoreth was regarded as equivalent to that of Baal, and the presence of Tanith (as *numen loci*) identified with his presence.

I may be told that I am inventing "a mystic doctrine of theology." Well, if the identification of deities originally distinct be mysticism (I should prefer to call it syncretism), it is sufficient to observe that this kind of mysticism played its part not only in the religion of Egypt but even in that of Moab. If Ishtar was identified with Chemosh, why not Ashtoreth with Baal? Nay, Prof. Meyer himself, admitting that "a large class of Phoenician divine names is formed by combining two simple names," and that "other Semitic tribes also thus combined names of opposite sexes"; and while explaining Melki-'aštar as meaning "the Melech who is the husband of Astarte," acknowledges that "in explaining similar combinations of two masculine names . . . there is hardly any other course open than to assume an identification of the two gods to be intended¹." Then why not take that course?

In one case we are plainly obliged to do so.

"'In Cyprus,' says Macrobius², 'there is an image of Venus in which she is represented with a beard, dressed like a woman, but with the stature of a man, and holding a sceptre in her hand.' 'This figure,' he adds, 'was meant to unite the attributes of the two sexes, so that it might be considered at once male and female: *quod eadem et mas existimatur et femina*'³."

"This deity," writes Prof. Meyer, with some *naïveté*, "never possessed much importance⁴." It is important enough if we want to understand the mode of thought of which it was the product and the expression. An 'ashtoreth who could be deemed at once male and female

¹ Art. Phoen., § 12 ad fin.

² Perrot and Chipiez, *Phoen.* II, p. 158.

³ Cf. W. R. S., *Religion of the Semites*, 2nd ed., pp. 472, 478.

⁴ Art. Phoen., § 15.

is very nearly related to the *'ashtoreth* who could be invoked as "Name" or "Face" of Ba'al.

And without some such hypothesis the explanation of these titles adopted in the *Encyclopaedia Biblica* is clearly untenable. *Ba'al-hashshāmayim*, we know, has an intelligible meaning, "The god who dwells in the heaven, to whom the heavens belong¹," a conception which cannot be better expressed in the English language than by the natural translation, "Lord of Heaven²." *'Ashtoreth-hashshāmayim*, in the sense of *ba'alath-*, or *malkath-h*", is at least a possible expression. But *shemē-ba'al* = "Heavens of a Lord," is less probable. And *'Ashtoreth shemē-ba'al*³ = "goddess of the heavens of a god," verges upon the absurd, unless indeed you interpret it as mistress of her lord's house, making Ashtoreth the spouse of Baal. In one way or another you must explain the relation, whatever it may be, between the first term of the series and the third.

And so with regard to Tanith *penē-ba'al*⁴. Halévy, we are told, has "recognized" that Penē-ba'al is a place-name. Then will he kindly explain why the *numen loci* of "Lord's Face" should be a "Lady"? The inference drawn above supplies the explanation—the goddess was identified with the god.

Now, besides the general consideration that the *δαίμων* may be supposed capable of assuming the bodily form of either sex, I venture to suggest that we may explain this apparent identification of *'Ashtoreth* with Ba'al, by postulating a very simple and natural myth, viz. *that the Moon's Disk was regarded as the Face of the Sky-god*—פני בעל השמים. And that such a myth did really exist may be presumed from the surprising fact that its traces have survived in Judaism. I owe to the published papers of

¹ Art. Baal, § 4.

² "Lord" being a term of English feudalism, signifying the holder of an estate, like the Horatian *dominus terrarum*.

³ Art. Phoen., col. 3745; cf. 3749.

⁴ Ibid., col. 3747.

Mr. G. Margoliouth¹ the Talmudical citations², "He who at the proper time pronounces the benediction on the new moon is as one who welcomes the very presence of the Shechinah"; and again, "If Israel had only been favoured to welcome the face of their Father which is in heaven once in the month, it would have been sufficient for them." To the same writer I am indebted for the acute observation that it was the *moon* "who was seen to gather around him the glorious hosts of stars on the weird vault of night, whilst the sun had to cross the heavens unattended, and therefore unserved"; the moon therefore that was properly regarded as "lord of the hosts of heaven," and is in fact so addressed in an extant hymn to Nannar³, as the moon-god was by preference called at Ur.

We are now in a position to understand how Ashtoreth or Tanith, in her lunar aspect, might be invoked, not only as the Name, but as the Face or Presence of the Lord of Heaven, and to ask the question whether such a cult does not imply the superposition of the moon-goddess upon the older conception of a moon-god, Ishtar thus usurping the place of Sin? Such a change might be due to Egyptian influence, or merely to the growing popularity of Ashtoreth, the goddess of the Zidonians. As regards its bearing on the Old Testament, what we want to know is, how early the change occurred? I am still inclined to believe that Rachel-Ephrath, the ancestress of the house of Joseph, is no other than the Syrian goddess, lady of the moon and of the flock.

The gods of Carthage are enumerated in the Greek translation of the treaty between Hannibal and Philip of Macedon⁴, arranged in groups of three. The first of these consists of Zeus, Hera, and Apollo; the second begins with

¹ "The Earliest Religion of the Ancient Hebrews" (*Contemp. Rev.*, Oct., 1898) and "Hebrew-Babylonian Affinities" (Nutt, 1899).

² *Tractate Sanhedrin*, fol. 42 a.

³ Ass. *nannaru* = light.

⁴ Art. Phoen., § 14.

the *δαίμων Καρχηδονίων*, which the learned Encyclopaedist interprets "Astarte of Carthage," and then tells us that Tanith "cannot be represented by any of the deities mentioned"! But surely Tanith is the *δαίμων Καρχηδονίων*, the especial 'ashtoreth, or goddess, of Carthage¹. Her position in this catalogue may be explained by the consideration that the "Lord of Heaven" is naturally attended by Wife and Son. Tanith, like her prototype Ishtar, an unmarried goddess, "Virgo Celestis," עלמה perhaps, but not בעולה, may appear as his representative or manifestation, but cannot be regarded as his spouse. We may picture the *cortège* of the gods:—

"Apollo"	בעל השמים	"Hera"
"Iolaos"	תנת פנבעל	"Herakles."

It will then be seen that she holds really the *second* place, as vicar and visible representative of the supreme god.

Nor is this conception merely fanciful. The second triad is distinctly symbolized by two monuments figured in the work of Perrot and Chipiez². A curious group discovered in the cemetery of Tharros, in Sardinia, is composed of "a large rectangular stele, decorated on its face with a disk and crescent moon in relief; right and left a pyramidal cippus with a double moulding about its summit. All three of these columns stand upon a single base." And a similar group is represented on the well-known stele of חנא בן ארנבעל from Lilybaeum, only that in this case the

¹ I am bound to state a fact apparently unfavourable to this hypothesis—the discovery at Bord-el-Djedid of a Punic inscription of nine lines, commencing with these words: "To the Goddess Ashtoreth and to the Goddess Tanith of Lebanon, two new sanctuaries" (*Monthly Review*, July, 1904, "Recent Excavations in Carthage," by Miss Mabel Moore, pp. 133, 134). This is evidence for an Ashtoreth distinct from Tanith; not that "Tanith of Lebanon" was not an Ashtoreth and *δαίμων Καρχηδονίων*. The text is given in Cooke, *North Semitic Inscriptions*.

² *Phoenicia*, E. T., I, figs. 174 and 232.

disk and crescent are placed above, and not upon, the midmost and highest of the three pillars. The disk is here so small that it must stand for the star of Ishtar, as at Paphos. I shall presently show the identity of Tanith with the deity of disk and crescent. It is remarkable that this group should occur on a stele dedicated to בעל חמן.

Who now are the inferior members of the triad? The answer is not far to seek. As Ashtoreth, or Tanith, stands to Rachel, so must her consort the "Heracles" of the Greek Treaty, stand to the wrestler hero, of whom it could be said, יעקב אל, or נפתלי אל; and so must "Iolaos" stand to "Benjamin," I should perhaps have placed the son, rather than the suitor, at the right hand of the matriarch. If this was the position assigned to him in the *cultus*, it would furnish an explanation of his name.

Evans, in *The Mycenaean Tree and Pillar Cult*, p. 41, fig. 22, has given another representation of the triad of pillars surmounted by the Tanith symbol, which occurs on a stele from Nora in Sardinia. "On the Carthaginian stelae," he writes, "it is not infrequent to see three divine pillars like truncated obelisks, grouped together within the same shrine and upon a single base . . . Elsewhere we see two groups of three pillars and the divine symbols above them, and on a monument from Hadrumetum as many as nine pillars in a triple group of three occur on a single base¹." Unfortunately the distinguished antiquary has failed to correlate these triads of sacred pillars with the trinities of divine persons enumerated in the Greek Treaty.

Of the stelai of Tanith, found by thousands on the site of Carthage, one among the simplest and rudest is no more than a "naïve rendering" of a conical stone², closely similar to that which formed the object of worship at Paphos. The apex of the cone is surmounted by a circle to suggest the head, and crossed by a transverse bar to

¹ Referring to Pietschmann, *Geschichte der Phönizier*, p. 205.

² Perrot and Chipiez, *Phoen.*, I, fig. 29.

indicate the arms of the goddess; these are terminated not by hands but by horns, which, however, differ noticeably from those of the moon, and agree with the Mycenaean "horns of consecration" figured by Evans, in having their concavities turned outwards in opposite directions¹. (The same peculiarity may be observed in the bronze figured by Perrot and Chipiez, vol. I, fig. 26, "very like an Isis-Hathor." See also vol. II, p. 11.) In a parallel example (*ibid.*, vol. I, fig. 30) these horns are omitted, but the circle representing the head, much enlarged in proportion as compared with the previous instance, is surmounted at a brief interval by the inverted crescent, so as to form with it the familiar group which is the distinctive religious symbol of Phoenician art. Here then the disk and crescent stand for the goddess of Carthage, and the disk is the Face of Tanith, who is the Face of Baal.

"In one of the most curious of these little monuments we encounter a clearly defined Ionic capital surmounted by a crescent moon, which supports in its turn a bust of Tanit²." This is as if the worshipper had in fact erected a column supporting such a bust. Now the column, as has been clearly shown by Evans, has a religious character of its own. For the column is in origin the trunk of a tree, and therefore the dwelling-place of the tree-spirit. And we know from many parallel instances, cited by Frazer and other writers, that when the tree-spirit is to be worshipped, a tree is cut down, disbranched, and set up to be held in reverence as the habitation or embodiment of the indwelling divinity. Conversely, when the trunks of trees are employed in the support of a building, a palace or a temple, they do not lose this character. It might well be held necessary to conciliate the spirit of the column, and its stability might be considered to depend on the spirit's presence and goodwill. This is no doubt the reason why the columns figured by

¹ See *Religion of the Semites*, 2nd ed., p. 478.

² *Op. cit.*, I, 52, fig. 16.

Evans, as represented upon Cretan monuments, have the "horns of consecration" placed at their base, implying the identification of the indwelling spirit with the god of the herd, or the victim taken from it¹. Suppose the horns of a ram attached to the head or "capital" of the column², and you have a very probable origin for the volutes of the Ionic order, with which may be compared the use of skulls of oxen on the frieze of Roman temples. Now compare the description and figure given by Maspero³, and cited in a former volume of this REVIEW, of the Egyptian representations in which the bust of the goddess, Hâthor or another, who is conceived as inhabiting the sycamore on the edge of the desert, appears from amid her sheltering foliage, with the figure in Perrot and Chipiez⁴ of a stele discovered in 1867 on the site of Adrumetum, and described in the following terms:—

"The most interesting stele in the collection appears to represent a portion of the façade of some building. Two columns support a rich and complex entablature . . . The shaft is deeply fluted in its lower part, and modelled above into the bust of a woman with an Egyptian head-dress; the bust has arms which are folded on the chest, and support the disk and crescent; on the head a globe between two horns⁵."

The solar globe between the horns of the celestial cow is the well-known symbol of Hathor, adopted by the goddess, the Lady of Gebal⁶. But the lunar disk and crescent, nursed so to speak, in the bosom of the goddess, occurs on a stele of Tanith figured by Perrot and Chipiez,

¹ Probably the column was set upon the victim's carcase. The supposition throws a ghastly light on the expression of 1 Kings xvi. 34, Joshua vi. 26.

² Compare the capitals of the Temple of Concord at Rome, where the volutes consist of rams' heads. Anderson and Spiers, *Architecture of Greece and Rome*, 150, 177.

³ *Dawn of Civilization*, p. 84, n. 1, p. 121, n. 5, and figure on p. 185.

⁴ Op. cit., II, fig. 61; cf. I, figs. 51, 52, 53. See also Evans, op. cit., p. 46 with note 7.

⁵ Perrot and Chipiez, op. cit., II, p. 64.

⁶ Ibid., I, fig. 23; II, fig. 6.

vol. I, fig. 192. Here is no solar emblem, but a huge crescent, with horns turned downwards, surmounts and encloses the winged deity. The position in which, in these representations, the disk and crescent symbol is placed, is very significant. Assuming provisionally my hypothesis that it is primarily the moon's disk which is regarded as the "Lord's Face," the artist could not have expressed more vividly and emphatically that his work was consecrated to the "Mother" and "Mistress" thereof: לַאִם לַרְבַּת פִּנְבֶּעַל¹.

The same significance may reasonably be ascribed to the winged female figure, in a kneeling posture, holding with both hands the disk against her hip or stomach, which appears on the coins of Mallos in Cilicia², as well as to the standing figure in long robes, clasping the great disk to her breast, on two stelai from Sulcis³, and a small terra-cotta fragment, also found in Sardinia⁴, with which may be compared the terra-cotta statuettes shown in figs. 48 and 67 of the same volume.

With regard to some of these objects, the question has been raised whether the disk does not rather represent a tambourine. But it should be considered that, in the ritual of a lunar deity, the tambourine itself might easily come to be regarded as an image of the moon's disk. It is also well worth while to bear in mind that where the crescent moon was identified with a divine maiden, the waxing of the moon might very naturally be regarded as a pregnancy, and supposed to influence that of women, as well as of the ewes (עֲשָׁתוֹרוֹת) of the flock. Here then we have another link between the celestial and the pastoral deity, besides that which is suggested by the moon's horns⁵.

¹ I do not deny that פִּנְבֶּעַל and פִּנְיָאֵל = θεοῦ πρόσωπον are "place-names"; I assert that they are derived from a local cultus of the Moon; the "numen loci" gives the "nomen."

² Perrot and Chipiez, *op. cit.*, II, p. 16.

³ *Ibid.*, I, figs. 193, 233.

⁴ *Ibid.*, II, fig. 14.

⁵ On the latter point consult Robertson Smith, *Rel. Sem.*, 2nd ed.,

A little stele from Sulcis¹ bears merely the figure of an ewe surmounted by the disk and crescent. This in my opinion is neither more nor less than a representation of the deity who survives in the traditions of Israel under the names of Rachel and Ephrath. I should not be greatly surprised if, even now, stelai such as this were to be discovered in the neighbourhood of her reputed grave.

In view of the abundant evidence which has been adduced, it certainly appears to me that the opinion of the writer "De Dea Syra," "Astarte, in my belief, is the moon²", and that of Herodian that the Phoenicians calling Urania by the name of Astroarche, intended the moon thereby³, were expressed with remarkable moderation. It is difficult to see how they could have judged otherwise. And here I have to point out a singular error of Prof. Meyer⁴, the assumption that 'Αστροάρχη is "corrupted from Astarte"; an assumption which is quite gratuitous, contradicts an elementary canon of criticism, and is finally disproved by the parallel expression of Damascius⁵, 'Αστρονό[μ]η. In either case "Star-rule" is evidently a paraphrase of some such equivalent as ממשלת השמים (cp. Gen. i. 16), signifying in the first place the abstract sovereignty⁶, and in the second the sovereign of the heavens, מְלִכַּת הַשָּׁמַיִם, or more precisely of the stars, הַכּוֹכָבִים, or even הַלֵּילָה. Probably by the strange punctuation מְלִכָּה⁷ we are intended to understand, "not as say the heathen, *Queen of Heaven*, but rather *creature of God*." But it is just possible that as מְלִאךָ אֱלֹהִים signifies a manifestation or impersonation of divinity, so מְלִאכָה

p. 478. He suggests that the horns, commonly found on Tanith cippi being concave outwards, must be the horns of sheep. Yet the sheep-symbols on these cippi are hornless.

¹ Perrot and Chipiez, op. cit., I, fig. 194.

² Ibid., I, p. 69.

³ Maspero, *Hist. Anc. des Peuples de l'Orient Classique*, tome II, p. 157, n. 1.

⁴ Art. Phoen., § 13.

⁵ Maspero, *ibid.*, note 4.

⁶ See Gesenius-Kautzsch, § 122 r with note 3.

⁷ Jer. vii. 18; xlv. 17, 18, 19, 25.

הַשָּׁמַיִם might be used of an impersonation of the divinity of the heavens, the equivalent of פְּנִיבָעַל.

The question still remains, at what period and under what circumstances did Ishtar become a moon-goddess? Archaeology will in time decide. I must content myself with referring to the opinions expressed by Maspero in the second volume of his great history, p. 570, where he refers back the mixture of Egyptian and Assyrian style in the art of Phoenicia to the age of Egyptian dominion in Syria, to the nineteenth, and even the eighteenth dynasty; and further observes that the Egyptians of the Theban dynasties already admitted the identification of Hathor with the Ba'alath Gebal¹.

Meanwhile we are bound to take into account those images of Ashtoreth—perhaps it would be better to say those '*ashtaroth*'—which do *not* exhibit lunar attributes²; a class of types which are broadly distinguished from those already described by the circumstance that they seem never to have been used on coins.

"Such, for instance, is that of the naked goddess, whose hands either lie on her abdomen or support her breasts³. Its vogue may have passed by the time the Phoenician towns began to strike money. Neither do we find the same goddess, sitting or standing, with a dove held against her chest⁴, nor the deity with wide hips, nor the one with a child in her arms⁵, in whom we have recognized a goddess presiding over pregnancy and maternity⁶."

Again, describing the terra-cottas furnished by the Sardinian graveyards, the same authors write⁷:—

"The first thing that strikes us when we begin to examine the series of statuettes found at Tharros and Sulcis, is that they all have their prototypes in Cyprus and Syria. Nothing is commoner in Cyprus than the naked goddess with her hands upon her breasts⁸; we have

¹ Op. cit., p. 570, notes 1, 4; *ibid.*, II, p. 174, n. 6; also pp. 484-6.

² Perrot and Chipiez, *op. cit.*, II, pp. 16, 52.

³ *Ibid.*, *op. cit.*, I, fig. 150; II, fig. 15.

⁴ *Ibid.*, I, figs. 20, 142.

⁵ *Ibid.*, figs. 143, 144.

⁷ *Ibid.*, II, p. 52.

⁶ *Ibid.*, II, pp. 16, 17.

⁸ *Ibid.*, II, fig. 45.

already met her in Sardinia¹. It is the same with the robed and seated goddess², who is encountered with a different head-dress, and her arms in another position, in the western island³. In Phoenicia, Cyprus, and Rhodes, no type was more popular than that of the woman, priestess or deity, who presses a dove against her breast; many examples have been found at Tharros, and in other Sardinian cemeteries; they⁴ are, however, less careful in execution than their eastern congeners."

In the chapter especially devoted to Cyprus and Cypriot Sculpture⁵, a whole section deals with "Figures of Divinities," especially with those, often of extreme rudeness, which represent a goddess of Fertility under various forms.

"There was a whole series of monuments in which the goddess mother is shown seated upon a throne and holding her child across her knees⁶. This goddess no doubt presided over child-birth; Ariadne-Aphrodite was especially honoured at Amathus as the patroness of women in labour⁷. Several small groups in stone or terra-cotta have been found in Cyprus; they must have been ex-votos, to record some happy delivery. In one example⁸, now in the Louvre, we see a seated woman with another woman fainting upon her knees, while a third kneels before them with a baby in her arms⁹."

In such objects, we are dealing, not I think with a different class of deities, but with a different kind of worship, from that previously discussed; with the domestic cultus of the women as opposed to the public religion of the State. In the necropolis of Idalion, and in the oldest of the 15,000 tombs explored by Cesnola, representing the earliest period in the civilization of Cyprus, we are told¹⁰:

"A constant relation could be traced between the character of

¹ Perrot and Chipiez, II, fig. 15.

² Ibid., I, fig. 20.

³ Ibid., II, fig. 46.

⁴ Ibid., I, fig. 142.

⁵ Ibid., II, chap. ii.

⁶ Ibid., II, fig. 101.

⁷ "In the sacred grove of Aphrodite-Ariadne at Amathus in Cyprus was also shown *her tomb*," Evans, op. cit., p. 22. Need I again refer to the death, and grave, of Rachel?

⁸ Ibid., II, fig. 102.

⁹ Ibid., II, p. 151.

¹⁰ Ibid., I, p. 218.

the statuettes and the bronze instruments by which they were accompanied. Arms were found in the same tombs as figures of horsemen, of charioteers, or of foot-soldiers with shield and helmet; on the other hand, whenever mirrors, needles, and long hair-pins were encountered, they were sure to be accompanied by images of that mother-goddess, who is figured sometimes with her hands on her breasts, sometimes with them laid on her stomach¹. This figure seems to have been reserved for the tombs of women, while those of warriors were placed by the coffins of men."

How tragic is this picture of the passions, toys, and prayers, of a race that has so long since descended into Sheol!

A connecting link between the two classes of *'ashtaroth* exists in the type, already described, which is "often found in Sardinia, both upon stelai² and in terra-cottas³, namely that of the veiled female who presses a large disk against her bosom with both hands"⁴. Here the mother-goddess is presented to our regard as specifically Mother of the Moon.

We have now passed in review the *'ashtar*, mother of the flock and of the clan—the Hebrew רחל; the general mother of the race, the goddess of fertility, the patron of the female sex—the אפרת of Israel; the personal Ishtar of Chaldean mythology, the mistress of the evening star and daughter of the Moon-god Sin; we have seen her "sovereign of the stars" and "Queen of the skies," herself regarded as Mother and Mistress of the Moon, which is in turn adored as the Face of the Lord of Heaven. The star of Ishtar sinks in the glowing west; that of Marduk rides high in the east; the waxing moon grows bright above Mediterranean waves; and for a moment the dead past seems again to live.

NOTE.—The vocalization, etymology, and meaning of תנת are alike unknown. I will merely draw attention to the possibility that as the Assyrian noun *tašmētu*, i. e. "hearing" (שמע), was employed

¹ Perrot and Chipiez, I, fig. 150.

³ Ibid., II, figs. 48, 67.

² Ibid., I, figs. 193, 233.

⁴ Ibid., II, p. 52.

to describe the spouse of Nabû, whose name signifies to *call* (*Dawn of Civilization*, p. 672, note 6), so *tanâttu* or *tanittu* "majesty" (נִאֲרָ) may have been applied to Sin's consort (*šarratu*), and have been transferred by the Phoenicians to a lunar Ashtoreth of their own. In the same way the Hebrew תַּרְחַ (pointed as a Segholate) may be referred to an Assyrian *târhu* (√ אֲרַח or יִרַח), a possible epithet of the moon. In connexion with much that has been said in the text, I may also cite the masc. proper name *Pân-Ašûr-la-mur* "may I see the face of Ashur," Delitzsch, *Ass. Gr.*, E. T., § 65, 32 *a* and *b*, § 93, p. 260.

GREY HUBERT SKIPWITH.

NOTES ON OLD TESTAMENT HISTORY.

V. MERIBATH-KADESH.

ANCIENT writings were written for a motive, and, however enlightened the writer may have been, they are intended to portray events in the light in which they were regarded in his time, either by himself or by the circle on whose behalf they were undertaken. They may or may not be absolutely credible, but it is necessary in the first instance to realize that the existence of a literary work implies some definite aim or object. Further, it is important for the critic to recognize the presence of the religious factor in the composition of history, for not only does every writer arrange his material in order to give effect to a special view, but he handles it from some specific religious standpoint. So, every piece of writing bears the impress of its age, and has been subject to the manifold influences from which no record is free. It treats of the past in accordance with the requirements of the present, and will often prefer to represent the present in the past in order to furnish authority and precedent for that which is contemporary. As Kuenen has appositely remarked:—

“In ancient time and specifically in Israel, the sense of historical continuity could only be preserved by the constant compliance on the part of the past with the requirements of the present, that is to say its constant renovation and transformation. This may be called the law of religious historiography. At any rate it dominates the historical writings alike of the Israelites and of the early Christians¹.”

In dealing with records of remote events, therefore, many questions constantly arise: are the records contemporary, are they authentic, or do they depend upon sources which are not only not contemporary, but embody later tradition; if so, can the earlier traditions be recovered; do they show signs of redaction, and if so, for what purpose has the redaction apparently been made? Abundant illustration of growth and redaction of tradition is to be found in the account of the Exodus from Egypt and the entrance into the land of Canaan, and that portion which requires consideration in these notes may serve

¹ Kuenen, “The Critical Method,” in the *Modern Review*, I (1880), p. 705.

to exemplify methods which naturally were not restricted to the Pentateuch.

From the results of the critical analysis it will be obvious that many centuries intervened between the age to which these events are attributed and that in which the narratives reached their present form. It has been placed beyond all reasonable doubt that they extend down into the post-exilic period, and it is necessary to bear in mind that the final redaction was made subsequent to the religious regeneration of Israel after the return from the exile. The writings of a Nehemiah or of an Ezra throw only incomplete light upon the internal movements of this post-exilic age—at the epoch when most is to be expected, the relevant records are slight—but we may look for the Judaism of that period in the contemporary re-writing and redaction of the old traditions with as much confidence as we may treat the “Little Genesis” or Book of Jubilees as material for the internal thought of a few centuries later. Hence, it is found that, for the purposes of critical study, the post-exilic records and the post-exilic narratives of the Exodus and Conquest illustrate one another and are mutually supplementary.

Now, if the return from the exile was fresh in the minds of post-exilic writers, this was only one of the great issues in the history of Israel which could exercise influence upon the course of tradition. Even within the body of P itself, there are signs of important modifications, and it is almost impossible to estimate with any certainty how many currents of thought had previously affected the traditions of the great national event. There is sufficient evidence that the founding of the nation was an epoch to which later ages ascribed the initiation of their institutions, so that the narratives became the vehicle for the views and ideals of later generations. Of earlier stages, the Deuteronomic reform is the one that can be most clearly traced, and one is thereby entitled to assume that earlier changes in Hebrew religion and thought must have left their mark *somewhere* upon the earlier writings. Thus, one is compelled to believe that the influence of such a movement as that associated with Elijah and Elisha would assuredly affect any records which existed in writing in their age.

But it would be a mistake to suppose that it is only in religion and ethics that we are to expect modification and development. A considerable amount of fluctuation is to be found in the narratives (that is, in the history from the view-point of the writers); some of the variations in important details are very striking, and when one considers the differences between the Deuteronomic and post-exilic traditions it is scarcely likely that the many centuries which separate even the former (D) from the events themselves have not witnessed

equally noteworthy developments. There was time enough for boundaries to shift, and for the familiar sites to be the scene of other movements, for tribes to grow and to die out, and for tribal traditions to be grafted on to one and the same national stock¹. But when the attempt is made to investigate the traditions in their earlier pre-Deuteronomic form, many almost insoluble difficulties at once present themselves, and whilst we can utilize the evidence of Deuteronomy to estimate the work of the latest redaction (P), for the extent of earlier revisions we must depend upon internal evidence and general considerations of continuity and the like.

Now, one is so accustomed to consider the detour to the south of the Sinaitic peninsula as an integral stage in the Exodus from Egypt that many only half-concealed indications which point to a different tradition are often apt to be overlooked. The itinerary of forty stations in Num. xxxiii (agreeing with the number of the years of wandering) is so freely admitted by modern critics to be one of P's lists that it cannot claim the attention which it has so often received, and any theory of the Israelite route, instead of relying upon the characteristically dry and lifeless enumeration (familiar enough in P's writings), should concern itself primarily with the older and more lively narratives with their description of the events of the march. A brief consideration of these is necessary².

The incidents, taken *seriatim*, comprise the following:—

(a) Immediately after the destruction of Pharaoh's army in the *Yam Sûph*, the Israelites proceed to the wilderness of Shur and march three days without finding water. On reaching *Mârâh* ("bitter") the waters were found to be undrinkable and were sweetened, and *there* (a change of source has been suspected) a statute and judgment (טִפְסֻם) were given, and he (i.e. Yahweh) *tested him* (נִסָּהוּ). This reference to Shur (Exod. xv. 22 sqq.) brings us at once to a familiar district, associated with Hagar (Gen. xvi. 7)³ and with Abraham (xx. 1); one which, from the parallel story of Isaac (xxvi. 1), at some

¹ The topographical questions alone are serious when one recalls the Goshen in Egypt and S. Palestine; the *Yam Sûph* in the Aelanite Gulf; the possibility of the extension of the name *Muşri-Mizraim* beyond the borders of Egypt, and the surely not infrequent incursions of tribes from north Arabia.

² For full critical details reference must be made to recent critical literature; special mention may be made of Addis, *Doc. of Hexateuch*; Bacon, *Triple Trad. of the Exodus*; G. F. Moore, "Exodus" and "Numbers" (in *Ency. Bib.*); G. B. Gray, *Numbers*; and Carpenter and Harford-Battersby, *The Hexateuch* (here referred to as *Hex.*).

³ In the parallel narrative, Hagar is on the point of dying of thirst (Gen. xxi. 15 sqq.).

period, at least, was regarded as belonging to the Philistines (contrast Exod. xiii. 17). Further, it is important to observe that the wilderness of Shur was evidently part of the district occupied by the Amalekites (1 Sam. xv. 7, xxvii. 8), and that the scene of the law-giving in question is evidently in the neighbourhood of Kadesh (see Gen. xvi. 7, 14), if not at Kadesh itself. For Kadesh, as its name En-mishpat ("well of judgment," Gen. xiv. 7) shows, seems to have been famous as an ancient centre of legislation, and the suggestion that, according to one tradition, the Israelites journeyed direct to Kadesh finds some support in Judges xi. 16, in the specific allusion to the "testing," and in a number of other points of detail which will be noticed below. This being so, it is noteworthy that the period of three days agrees precisely with the intention expressed in Exod. v. 3, viii. 27 (cp. iii. 18).

(b) It is to P that Exod. xvi in its present form is due, but it is undeniably based upon old material, and provides an interesting example of the manipulation (and mutilation) of existing tradition. The fact that the manna was sent to *test* (נִסָּה, ver. 4) the people to see whether they would walk in the Law presupposes a law-giving, and indirect allusions to the ark (vers. 32-34) and sanctuary (ver. 9; in ver. 10 for "wilderness") point to a later context. In fact, recent critics agree that the whole episode is based upon a duplicate of the incidents recorded in Num. xi, and should follow the Sinaitic covenant. The gift of manna belongs most naturally to the later wanderings in the desert (cp. Deut. viii. 3 and 16). See below (i).

(c) A similar displacement has been effected in the account of the miracle performed at Massah and Meribah. P locates it at Rephidim, xvii. 1 *a*, whilst a glossator has anticipated by the insertion of "in Horeb," ver. 6. The whole passage is composite, and the problem is complicated by the very close relation to Num. xx. 1-13. In the latter story, however, the scene is Meribah, to be identified with Kadesh (Num. xx. 1, 13, xxvii. 14; cf. Meribath-Kadesh, Ezek. xlvii. 19, xlviii. 28), whereas the source incorporated in Deut. ix. 22 (cp. vi. 16) treats Massah as a distinct name. The union of the two names in Exod. xvii. 7 appears to have arisen from the fusion of two sources in which Massah in the one case, and Meribah in the other, were associated with a similar story. But whilst there can be no doubt that Meribah ("contention" or "striving") is properly a Kadesh locality, there is only a very strong presumption that Massah ("testing," "proving," &c.) belonged originally to the same district¹.

¹ Note above in *a* the proving or "testing" associated with the "judgment."

For the present, however, it is at least clear from a comparison of Deut. ix. 22 with Num. xi that any allusion to Massah is out of place in its present context.

(d) The account of the defeat of Amalek in xvii. 8-16 is due to E—probably a secondary source¹—and like the preceding episodes is marked by certain peculiarities which indicate a much later point in the narratives: Moses is no longer able to sustain the outstretched rod, and Joshua, formally introduced in xxxiii. 11 as a young man in attendance upon Moses, is now a trained captain. The relation between the two, therefore, represents a more advanced stage, *after* the institution of the Tent of Meeting. In addition to this, the mention of Amalek associates itself with Num. xiv, where the Israelites are at Kadesh. Not in the peninsula of Sinai or near the Gulf of Akabah, but to the immediate south of Palestine does this people belong, and whilst we might expect to find them in the wilderness of Shur (*a* above), many critics agree that they are out of place in their present context².

(e) Even the composite account of Jethro's visit to Moses (Exod. xviii) cannot belong rightly to its present context. Although the scene is apparently Rephidim (unidentified, xvii. 8, xix. 2), ver. 5 places it at the "mount of God" (Horeb-Sinai, cp. already xvii. 6). But the narrative implies a settled encampment and the possession of laws; its tenor suggests the last stage in the sojourn at Horeb, and it is significant that this is precisely the point at which the tradition in Deuteronomy (i. 9-17) assigns the institution of judges and officers³. So the usual critical view, but since the holy mountain was already near Jethro's home (iii. 1), his journey "unto the wilderness" (ver. 5) and his return "unto his own land" (ver. 27) seem to imply that the original scene of this visit was not Sinai-Horeb. See further below on Num. x. 29 sqq. (*g*).

(f) The chapters that follow comprise the Sinaitic theophany, legislation, and covenant, continued by a great mass of material of post-exilic date, which extends (Exod. xxxii-xxxiv excepted) from Exod. xxv to Num. x. 28. It has already been seen (*b*) that P builds upon old material⁴, and it is important to bear in mind that even as

¹ Without the recognition of secondary sources in both J and E, the literary criticism of the Exodus can make no progress.

² In view of the repeated references to מַסָּה and מַסָּה, there is a possibility that the name of the altar Yahweh-nissi (נִסִּי) was thought to be connected with Massah.

³ Note, however, the development of the tradition; Deut., l. c., makes no reference to the part played by Jethro.

⁴ Cp. also P in Gen. xxxv, see *J. Q. R.*, XVIII, 539 sq.

P's laws and institutions are not all of post-exilic origin, so his narratives may be the development of early tradition. For example, Exod. xxxiii. 7-11 abruptly introduces us to the Sacred Tent, a dwelling which cannot possibly be the elaborate building already described by P. Together with Deut. x. 1-5 and Num. x. 33, it presupposes some *old* preliminary explanation of the tent and ark, on which account it is extremely probable that P's sources in the preceding chapters have taken the place of older matter dealing with similar topics. Thus it will be seen that although P gives us the post-exilic representation of the older traditions, and although it is not always possible to determine precisely how much of his material is applicable to the earlier ages, his sources can be of great assistance in any attempt to reconstruct the general trend and context of early tradition¹. In these circumstances, it will evidently be important to observe how P's source continues after his account of the preparations for the sanctuary. (See below.)

(g) The older sources are resumed in Num. x. 29 sqq., where we once again meet with the father-in-law of Moses. This associates itself with the misplaced narrative, Exod. xviii (e), and it will be seen that if that chapter stood in the present context the internal difficulties (already noticed) would vanish. Both narratives agree in demonstrating the dependence of Moses upon his father-in-law, and the relative antiquity of Num. x. 29 sqq. shows itself most prominently when it is compared with Exod. xxxiii, where it is not a human

¹ Similarly, although the chronicler writes in accordance with the religious standpoint of his age to such an extent that his records are of little value for the study of religious life under the monarchy, it would be uncritical to reject the traditions he has re-written or incorporated without subjecting them first to careful and unbiassed investigation. And in criticizing his historical evidence it is necessary to bear in mind the scantiness of our earlier historical sources. The Book of Kings itself contains only a selection from the material accessible to the compilers, and there is no sound reason why certain portions of the Book of Chronicles should not be based upon or developed from equally reputable sources. If the conviction can be maintained that P, however unhistorical in his present form, has *developed* rather than *invented*, it will be difficult to deny that the chronicler has proceeded upon the same lines. On general grounds, moreover, it seems unreasonable to suppose that a writer should take the trouble to invent, when a mass of tradition (whether oral or written) must have been in circulation. Not to pronounce upon the credibility of individual points of evidence, but to collect and classify all related material, must be the first step in historical study, and it is, perhaps, too often assumed that the earlier books are necessarily more credible than the later.

but a divine guide whose help is required. In spite of its brevity it is of unique value, since Hobab's clan is subsequently met with in Judges i. 16, whence it appears that in spite of his disinclination he was induced to accompany the wanderers. The passage is properly a torso; it breaks off with tantalizing suddenness, and only allows us to infer that some account of Hobab's journey once existed in writing and that this record has been superseded in favour of another by some early editor¹. The passage undoubtedly belongs to the same context as *f* (Exod. xxxii-xxxiv) and the scene must be Sinai-Horeb (ver. 33), but Hobab's proposal to depart to his own "land" and "kindred" (מולדת) agrees with Exod. xviii. 27, and tends to deepen the impression that the original scene was neither Sinai nor Horeb. Even P's narrative in Num. x. 12² states that the wilderness of Sinai had been left and that the Israelites were in the wilderness of Paran, and although this source seems to have located the latter to the south of Kadesh (but cp. xiii. 3 and 26), there are some indications that this is merely to give effect to a particular view which is not original. In point of fact, the narratives now under consideration are the result of a peculiarly complicated process; it is not enough to agree with many recent critics that *a-e* are misplaced, it is also necessary to observe how persistently incidents are placed at a stage before Kadesh is reached when definite features suggest that their original position was at Kadesh itself.

Several important events have been crowded into Num. xi. No details are preserved of (*h*) the "burning" at Tab'erah (תַּבְּעֶרָה, Num. xi. 1-3), but the reference has every appearance of being based upon the meaning of the place-name. Such aetiological allusions (cp. Massah, Meribah and Marah) in other fields of historical investigation would naturally be treated with great reserve³.

(*i*) In the composite narrative of the manna and quails, the institution of the seventy elders is to be kept quite distinct, its relation to portions of Exod. xxxiii being indisputable. The story (which serves to explain the name "Graves of Lust") is evidently akin to P's narrative in Exod. xvi, and both ignore the view that the Israelites were supplied with herds and flocks (Exod. xvii. 3, xix. 13,

¹ The meaning of the "three days" in Num. x. 33 is obscure, but cp. Exod. xv. 22 (see end of *a*).

² Vers. 13-28 being secondary (see *Hex.*, p. 200), vers. 11, 12, or their original, once stood immediately before ver. 29.

³ On the assumption that an early source recounted an appropriate incident one might be tempted to refer to the story of Nadab and Abihu (Lev. x. 1-5), or of Korah's revolt (Num. xvi), but these are at present in a different context, and of post-exilic origin. See, however, below.

xxiv. 5, xxxii. 6, xxxiv. 3, Num. xx. 19). The tradition in Deut. ix. 22 refers to acts of provocation at Taberah, Massah and Kibroth-hattaavah, and since the last is clearly connected with the provision of quails it is extremely probable that the gift of manna was originally associated with Massah. That Exod. xvi. 4 contains a specific allusion to the *testing* or *proving* of Israel has already been seen ¹.

(j) The next decisive incident is the sending of the spies (xiii. sq.), the scene of which is Kadesh (xiii. 26, Deut. i. 19, 46) ². This should hold good, also, of the revolt of Korah (xvi. sqq.), and is explicitly stated in the case of Num. xx (see *k*). But according to P, Kadesh is reached for the first time in xx. 1, and for this and other reasons some transposition of the narratives may be suspected. By placing the sending of the spies after the revolt and before xx. 14 sqq. a more natural sequence is obtained, and the account of the unsuccessful attempt to push northwards is thus followed by the preparations for the journey through Edom ³.

(k) In Num. xx is recorded a story of "striving," a duplicate of that in Exod. xvi. 1-7 (see *c*). In some obscure manner Moses and Aaron did not *sanctify* (קדש) Yahweh in the eyes of Israel, whence the place was called the "waters of Meribah" because the children of Israel "strove" (רבו) with Yahweh, and he showed his holiness among them" (ויקדש בם)—an unmistakable allusion to the name Kadesh. It is difficult to determine from the narrative the nature of the sin of which Moses and Aaron were guilty. Cornill has suggested that it was some act of open rebellion and takes the words "hear, ye rebels" in ver. 10 to have been addressed originally by Yahweh to the leaders. There is also a possibility that the story with its allusion to rebels (מורים) was associated with Marah (מרר, see above *a*), but in the nature of the case this cannot be proved ⁴. However, there are other allusions to offences by Moses and Aaron, and on inspection it is found that all appear to be related in an extremely perplexing manner. For example, from Deut. i. 37 it seems that in one tradition Moses incurred

¹ From another nuance of the root comes the idea of "tempting," to which Deut. vi. 16 and Ps. lxxviii. 18 refer.

² According to Deut. i. 22 the spies were sent at the request of the people; contrast Num. xiii. 1.

³ xxi. 1-3 (Israelite victory at Hormah) and the overtures to Edom are intimately connected as regards subject-matter with xiv. 41 sqq. (defeat at Hormah) and ver. 25. See also Bacon, p. 182 sq. The present position of *k* (before the attempt to pass Edom) finds a parallel in Exod. xvii, where its duplicate *c* precedes the defeat of Amalek. The relative value of these traditions is another question, on which see below.

⁴ However, in Exod. xv. 23 sqq., the giving of the statute and judgment follows upon the miracle at Marah (where the waters are sweetened).

the wrath of Yahweh on the return of the spies. Now since the latter event should probably be placed before xx. 14, it would thus occupy the same relative position as the story of Meribah in xx. 1-13. There is no hint of any offence of Moses in Num. xiv, as the narrative now stands, but it seems to imply that sentence had already been passed upon both Moses and Aaron. On the other hand, the chapter contains a fine description of his intercession on behalf of the rebellious people. The passage in question (Num. xiv. 11-24) has close literary contact with Exod. xxxii-xxxiv, and it is curious that the parallels occur in the account of the intercession of Moses after Aaron made the calf. These scenes, like the above, precede the commencement of *a* journey (Num. x. 29 sqq.), and from Deut. ix. 19 it would appear that, according to some tradition, the mediation was on behalf of Aaron. It may be that opinion was not settled regarding the specific occasion on which the divine displeasure was aroused, but there are evident signs that the traditions are not so widely separated as they at first appear.

This necessarily very brief survey will exemplify the intricate character of the narratives. There has been considerable adjustment and many stages in the growth of tradition have been preserved by the editors. Although *a* (p. 741, above) brings us at once to a law-giving in the wilderness of Shur, no covenant or legislation can reasonably be expected until Sinai-Horeb is reached. The narratives Exod. xvi-xix demand a position *after* the laws, and, although they are distributed along the route, Sinai is already the scene in xvii. 6 and xviii. 5. Subsequently it is found that although the spies are sent from Kadesh (Num. xiii. 26), this place is not yet reached in P (xx. 1), and although the incidents in Numbers (*g*, &c.) are placed either at Kadesh or on the journey thither, some points of contact with Exod. xxxii-xxxiv (apparently Sinai-Horeb) have already been found.

Although it is more than probable that certain incidents have been misplaced, it is difficult to reconstruct the form of the sources before they suffered adjustment. Nevertheless, it is clear that the connexion between the allied passages was a close one: the rock in Exod. xvii. 6 is that mentioned in Num. xx. 8; the hill in Exod. xvii. 10 finds its explanation in the allusions in Num. xiv. 40, 44, and P, in Exod. xvi, builds upon older material closely related to that which has survived in Num. xi¹. That these variants can supplement or illustrate each

¹ As a specimen of intricacy it may be noticed also that from Deut. viii. 3 and 16 one expects the manna to have been sent after the Israelites had left Kadesh and were in the "great and terrible wilderness," and certainly Num. xi is preceded by the account of the commencement of the journey (see *g* and above). But Exod. xxxii-xxxiv is apparently at

other appears notably when it is remembered that before the incorporation of P's material, Exod. xxxii-xxxiv stood in close connexion with Num. x. 29-36, xi. sqq. The passages in the former which describe the reluctance of Moses to bear the burden of the people are of the same stamp as Num. xi. 12, 14 sq., and it is only necessary to observe how appropriately these verses follow upon Exod. xxxiii. 1-3 to admit the force of Bacon's reasoning that this was their original position¹. This affords another example of the manner in which the account of the journey has been constructed, and it now becomes evident that many traditions have grown up around the commencement of *this* journey. The relation of Exod. xviii to Num. x. 29 has already been noticed (see *e* and *g*), and one is entitled to infer that the former must have been found in this context at some earlier stage in the literary history of the narratives. If it be transferred (allowance being made for redaction), not only do its difficulties disappear but we are in agreement with the tradition represented in Deut. i. 9-18, which has verbal points of contact with *both* Exod. xviii and Num. xi². Accordingly, we find that as a necessary preliminary to the journey, Moses requests the assistance of Hobab, that Jethro suggests steps to lighten the legislative duties of his son-in-law (note the special development of this in Deut. i), and that as tradition strikes a loftier note, Moses needs a divine guide, and, no longer the judge, but the recipient of the divine spirit, elects seventy elders³.

All these appear to represent successive stages in the growth of tradition, and since traces of displacement have already been found it is possible that other passages originally stood in this context. The relation of Exod. xxiv. 1, 2, 9-11 to the election of the seventy elders in Num xi is not certain⁴, but the former appears to represent a more primitive version of the incident, and some support for this belief might be found if it could be shown that Nadab and Abihu

Sinai-Horeb, and Kadesh is not reached until Num. xiii. And, finally, does the need for this food belong to the oldest traditions? See also the references above in *i*.

¹ See also Gray, p. 107.

² See Driver, *Deut.*, p. 10 ; Addis, ii. pp. 34 sq.

³ Note, further, the general idea of the reluctance of the leader to undertake the task; one may compare the account of Elijah at Horeb. The examples of development noticed above are especially instructive since elsewhere, where similar growth is to be expected, only isolated stages may have survived. Any narrative that happens to stand by itself may represent only one of perhaps several different views which were once current.

⁴ See Gray, p. 116.

once had a place in the context of Exod. xxxii-xxxiv (see below, p. 754).

Another incident that presumably belongs before the commencement of the journey is the story of the punishment of Miriam and the vindication of Moses (Num. xii)¹. Notwithstanding its present position at Hazeroth (xi. 35, xii. 16), it associates itself with the visit of Jethro to Moses, and is characterized by that motive of jealousy which underlies the story of the seventy elders (xi. 28 sq.). The idea of election and of the vindication of authority is met with in other passages which appear to belong to the same cycle, and it seems probable that this markedly advanced narrative of the punishment and forgiveness of Miriam is to be connected with the statement in an older source that Miriam died at Kadesh (xx. 1).

In like manner, it appears that although Aaron receives his punishment at Kadesh, one tradition knew of his narrow escape from death for his share in the matter of the golden calf, and even of Moses himself there is preserved in Exod. iv. 13-16 (at the mount of God) a curious allusion to the manifestation of Yahweh's anger in consequence of his reluctance to undertake the task imposed upon him². It is singular that, although editors have succeeded in concealing the precise offence of which Moses was guilty in Num. xx, the tradition in Ps. cvi. 33 states that he was rash or indiscreet (רַבָּא) at Meribah, whereas the passages which seem to hint at this are now in a context which points to Sinai.

A number of independent considerations (of varying value) tend to the view that a fundamental adjustment of the oldest traditions has been effected. Some light is thrown upon this by a critical result of extreme importance. There is reason to believe that according to P the whole of the forty years' wanderings was spent away from Kadesh; in D, likewise, the greater part of the time is spent in the inhospitable desert, whereas in the earlier sources the Israelites have their centre in the fertile and well-watered oasis of Kadesh surrounded by pasture-grounds suitable for nomads. Many details are obscure, but the dominant fact is the conclusion that Kadesh was once regarded as the permanent centre of the people³. Hence

¹ Bacon, p. 175; Gray, pp. 98, 120.

² This reluctance and the promised help of Aaron the Levite may be associated with the selection of the Levites in general (Exod. xxxii. 25 sqq.), which is now placed at Sinai-Horeb. On historical grounds the latter may be the more primitive, the choice of Aaron as the representative of the Levites would mark a more advanced stage.

³ See Gray, *Ency. Bib.*, "Wanderings, Wilderness of," especially §§ 6, 15 sq.

it would be natural to assume that it occupied a very prominent place in the old sources, and it seems more likely that traditions would gather around it than around Sinai-Horeb, which was the scene of only a comparatively short stay. Now, if the old sources described the preparations for the commencement of the journey from Kadesh—and it is extremely probable on *a priori* grounds that they would—there is further presumption for the view that the stories of visits of a Jethro or Hobab, and of the reluctance of Moses, and all allied incidents were originally associated with this historic site and that the present adjustment was intended to magnify the importance of Sinai-Horeb and to treat Kadesh merely as one of the stages in this part of the journey (see below, p. 755).

It is scarcely necessary to show that the Sinaitic covenant and legislation is more advanced than the germ of the old laws in Exod. xxxiv. The latter's theophany is more primitive than that in Exod. iii and there is a distinct stamp of antiquity underlying Exod. xxxii-xxxiv which is not without significance. At present, everything is made to depend upon the story of the golden calf: the apostasy is followed by the divine wrath, the choice of the Levites, and apparently a *new* covenant. But the offence must be understood in the light of the later polemics against calf-worship and on this account can scarcely be regarded as part of the original tradition¹. At one time, however, some other motive must have existed, although when we consider the time that has elapsed between the date of the old account of the choice of the Levites and the latest redactions one can hardly expect to be able to recover the earliest details.

The leading features are (a) Aaron's share in the offence, and (b) the institution of the sacred tribe Levi. The latter was evidently once narrated at some length, since in Deut. x. 10² it is associated with the making of the ark and thus presupposes an account which is *not* the existing one in Exod. xxviii sq. (cp. Lev. viii), but probably an earlier, from which P has been developed. Now, from the "Blessing of Moses" it seems that a tradition existed that Yahweh "proved" the Levites at Massah and "strove" with them at the waters of Meribah (Deut. xxxiii. 8-11). The passage is not free from obscurity, but since it alludes to the separation of the Levites from brother and son (ver. 9, cp. Exod. xxxii. 27, 29) and implies some creditable performance, it is remarkable that it should associate the account in Exod. xxxii with the present story of Meribah in Num. xx. It must seem extremely singular that Meribah, famous for

¹ Possibly the story is not earlier than the time of Hezekiah.

² Deut. x. 6-7 have come in from another source, but the effect of the insertion is to place the event *after* Aaron's death.

some obscure offence of Moses and Aaron, should also be the scene of the institution of the Levites, and although the surviving traditions are incomplete they appear to be linked together by some definite bond. It is noteworthy that even in Exod. xxxii Aaron is blamed for the calf-worship and, according to Deut. ix. 20, would have perished but for the mediation of Moses. But the present narratives (Exod. l. c.) treat it as the sin of the whole people, and in the account of the intercession of Moses there are literary points of contact with the story of the spies (see above). Further, in Deut. i. 36 sq. Moses incurs the wrath of Yahweh on the return of the spies. Already, on the strength of Deut. xxxiii alone, we could infer that parts at least of Exod. xxxii-xxxiv were originally located at Kadesh, and if this evidence associates Levites with Meribah, it brings them into a context before Num. xx. 14 sqq., and places them in the same relation to it as the story in Num. xiii-xiv¹! It would seem that it is only on the assumption that cycles of tradition, of different dates, originally encircling Kadesh have been used to construct the present narratives and have been placed now at Sinai-Horeb and now at other stations along the route, that these phenomena admit of explanation.

It will be seen that the considerations which go to support this view proceed from a study of the subject-matter—the purely literary questions are hopelessly intricate. Here and there one can trace fairly clearly the development of the literary material², but it is extremely difficult to understand why D's account of the calf-worship (ix. 26 sqq.) should link together passages associated with the present stories of Korah's rebellion and the sending of the spies³. It may, indeed, be urged that this is the result of intentional rearrangement, or of mere reminiscence, or, again, it may be that in the early fluctuating state of tradition passages were connected now with one

¹ P, moreover, relates the death of Aaron in Num. xx. 24 sqq., and the result of the insertion of Deut. x. 6 sq. is to associate his decease with the separation of Levites. In Exod. iv. 13, when Moses had in some way aroused the wrath of Yahweh, Aaron is promised as a help, and in the story of the spies Caleb is the only one to escape punishment. To Caleb, later tradition adds Joshua, and in Exod. xvii the Massah and Meribah story (c) is followed by an event (d) in which Joshua, Aaron, and Hur (a Calebite, 1 Chron. ii. 19) play a prominent part. We shall find other cases of selection and rejection in the account of the revolt of Korah (see below), and it will be necessary subsequently to show that a relation subsisted between such apparently heterogeneous names as Caleb, Korah, Moses, Aaron, and the Levites.

² As in the insertion of Deut. x. 6 sq. (above).

³ Num. xiv. 16, xvi. 13; see, for example, the table in *Hex.*, p. 262; Driver, *Deut.*, p. 112.

and now with another of the events before the departure from Kadesh. At all events, whatever be the true cause, there is some reason for the supposition that the revolt of Korah was once intimately associated with the context of Exod. xxxii-xxxiv, and this story of rejection and selection seems clearly related to events which are located now at Sinai-Horeb, but originally in all probability belonged to Kadesh.

The critical analysis of Num. xvi sqq. has brought to light a fusion of interesting narratives all marked by the same motive: the confirmation of authority or prerogative. The composite story of Dathan and Abiram was evidently known to the writer of Deut. xi. 6 as a distinct incident, and a careful examination of the evidence shows that it deals with a dispute against the civil authority of Moses. With this has been woven an account of Korah's rebellion, also composite, with very clear evidence for the presence of two distinct views. In one (*a*), Korah and his followers protest against the Levitical rights enjoyed by Moses and Aaron; the malcontents themselves are not Levites (in Num. xxvii. 3, it is assumed that Manassites could have been included), and the sequel is intended to uphold the pre-eminence of the tribe of Levi against the rest of Israel. But in the other narrative (*b*), Korah and other Levites lay claim to serve as priests upon an equality with Aaron; the point at issue is not Levites *versus* laity, but the right to the priesthood, which is now secured for Aaron and his seed alone.

Now, both *a* and *b* are clearly due to P and it does not need to be shown that *b* is merely a later development of *a* in accordance with the development of hierarchical institutions. But the very circumstance that a post-exilic writer has supplemented *a* in order to find a precedent for the degradation of the Levites is a noteworthy sign, inasmuch as it is by no means improbable that *a* itself represents the results of previous development. The study of the Levitical institutions, taken with the internal features of the Levitical genealogies, is enough to show that there were many stages before the schemes reached their present finished state, and since it has been found that the traditions of the wanderings have developed upon definite lines, we are perhaps entitled to argue that if the *late* narratives have so much to say in Num. xvi sq. regarding the Levites of the *later* ages, the *earlier* records were not silent regarding their *earlier* fortunes. Moreover, since it has been seen that related subjects were treated in the same context and have subsequently suffered rearrangement and adjustment, there is a strong presumption that the existing narratives in Num. xvi sq. should be closely connected with the account of the Levites in Exod. xxxii. In point of fact, it is found that Num. xvi sq. stands in a position locating the

incident at Kadesh¹, and that this was also the scene of Exod. xxxii. 25 sqq. can be argued on independent grounds (see Deut. xxxiii. 8 sq.).

When, further, we proceed to consider the general trend of P's complete narratives we find an interesting analogy. The post-exilic passages, it must be remembered, are not of one strain, and whilst they appear to represent the normal development of earlier traditions in some cases, in others they show signs of specific modification in accordance with post-exilic ritual. Now, the first seven chapters of Leviticus form a group by themselves and interrupt the connexion between Exod. xxxv-xl and Lev. viii (itself an expansion), and the main thread of P, which ceases in Exod. xxix, is resumed in Lev. ix.² Accordingly, if we confine ourselves to the self-contained post-exilic cycle, we find the following sequence: the arrangements for the tabernacle³, the sacred vestments for Aaron and his sons and the consecration of the priests. Next, the original account of the construction of the tabernacle and of the consecration of the Aaronites has been replaced by an amplified account, of secondary origin, and upon this follows the offering of the first sacrifices (Lev. ix). Finally, immediately after this the two eldest sons offend against the ritual by offering unhallowed fire in their censers and are consumed by Yahweh's flame (Lev. x).

There is no doubt that this continuous record presents another stage in the history of the priesthood. It is no longer the supremacy of Levites over laity or of Aaronites over Levites, but of the younger of Aaronite divisions over the older "sons." Aaron's position is assured, and the conflicts which mark the subsequent (but earlier) narratives are virtually presupposed. It is only necessary to observe the sequence and to consider the relative position of allied incidents to infer that this record has been based upon older sources referring to events before the journey was undertaken. We have already seen that the older description of the tent of meeting and the account of its construction (there presupposed) was in close connexion with the old account of the institution of the Levites, and it seems to be not improbable that as the hierarchy developed, the traditions developed simultaneously. Hence, if we can assume a number of traditions (of different ages) proceeding upon the same general lines,

¹ P's theory, that the Israelites had not reached Kadesh (see Num. xx. 1) does not affect the argument.

² See Addis, ii. 290 sq.; *Hex.* p. 152; G. F. Moore, *Ency. Bib.*, col. 2777.

³ Its ark, table, and candlestick remind us of the equipment of the ordinary chamber; cp. 2 Kings iv. 10 (but that the ark was originally a throne or seat, like *סִדְּנָא* in the passage in Kings, is far from certain).

we may conjecture that the story of the two sons of Aaron and also that of Korah occupied the same relative position. In fact, Bacon has already suggested that Nadab and Abihu were the original offenders in the story of the election of the Levites, and since the names occur in an old source it is extremely probable that some older and fuller record of them existed¹.

It is at least interesting that when the two sons were devoured by the divine fire, Moses quotes the words of Yahweh: "I will show myself holy (שׁוֹפָר) in them that are nigh unto me" (Lev. x. 3). These words find an echo in Num. xx. 12 sq. on the occasion of the punishment of Moses and Aaron at *Kadesh*, and that the writer in that passage is playing upon the name is beyond dispute. Since the story of Nadab and Abihu belongs to a context which appears originally to have belonged to *Kadesh*, it is not improbable that the words of Moses are another play upon the name. Further, the nature of the offence of the Aaronites associates itself with the revolt of Korah in the fact that when Yahweh distinguishes the holy and chooses those who may approach him, Korah and his company are ordered to offer fire in their censers. The allusion to the selection and the sequel of the incident imply that there was some test whereby the Korahites were severed from the rest of the people, but the sources are incomplete, although the evident importance of the censers (Num. xvi. 36 sqq.) suggests some closer connexion with Lev. x. 1-5 at an earlier stage².

It will now perhaps be clear that we possess a complex of stories, some of a distinct prophetic stamp (Num. xi. 24-29, xii), whilst others are associated more closely with priestly standpoints. To give these passages the attention they deserve would necessitate a complete survey of the history of Israel. What is important for the present purpose is to lay emphasis upon the unmistakable and orderly progress of tradition in conformity with the actual development of Israelite institutions. As already indicated, the superiority of Levites over the people gives expression to an historic fact, and in the

¹ Accordingly there would be some support for the view that Exod. xxiv. 1, 2, 9-11 (where they are brought before God) is the account of their election, corresponding to the election of the Levites (see also above, pp. 748 sq.). It is possible, moreover, that when the account of the wanderings was constructed, some such story as this was associated with the "burning" at Taberah (see *h* above).

² This would explain the insertion of Num. xv, with its laws on burnt-offerings, &c., and since the position of Eleazar (xvi. 37) presupposes the death of his elder brothers, it might be intelligible why this event is not noted here, but is duly mentioned elsewhere; see iii. 4, xxvi. 60 (cp. also 1 Chron. xxiv. 2).

supremacy of Aaronites over Levites, and in the elevation of certain Aaronite divisions over others, we are able to recognize that later changes in the hierarchy have been reflected in the story of the nation's birth. On the analogy of the Levitical genealogies we are entitled to expect an earlier stage where Mosaic divisions were supplanted by Aaronite, and evidence for this is actually found. Accordingly, we are entitled to consider further whether there could not be found other early stages which would illustrate the Mosaic divisions and the origin of the Levites¹.

For the present, there seems to be sufficient evidence for the conclusion² that Kadesh was the original objective of the wanderings of the Israelites, not after the digression to Sinai, but after crossing the Yam Sûph; it was also the original scene of the legislation, and of the incidents (at all events in their oldest form) now distributed over the route.

The present prominence of Sinai-Horeb must be connected, it would seem, with the insertion of the body of laws in Exod. xx-xxiii. Misplaced incidents lead up to the relatively advanced material there incorporated, whilst heavily redacted passages (comprising relatively ancient theophany, laws, and institutions), have the appearance of belonging to the same context, but in reality belong to Kadesh. So far from assuming that Sinai-Horeb³ is to be located in the immediate neighbourhood of Kadesh, the evidence of Exod. xiii. 17 seems to point conclusively in another direction. According to this verse, the Israelites did not journey by the land of the Philistines lest they should repent at the sight of war, and this must imply some detour (to the south of the Sinaitic peninsula or to Midian), since no sooner did they reach the wilderness of Shur (in the district of Kadesh) than they were in the very region to be avoided and conflicts actually ensued (*a* above). This suggests that when the secondary tradition with its later laws (on Sinai-Horeb) found a place in the history, it was introduced by means of Exod. xiii. 17 sq., and that incidents and passages originally relating to Kadesh were used

¹ That certain of the Levitical divisions were derived from names associated with Moses is clear (see *Ency. Bib.*, col. 1665). Now in Exod. iv. 13-16, before Moses receives the promise of the help of Aaron the Levite, he incurs in some obscure manner the wrath of Yahweh. The latter detail associates itself, as has been seen, with the pre-eminence of Caleb (Deut. i. 36 sq.), and again with the institution of the Levites. It will be necessary, therefore, to consider whether, on independent grounds, any relation can be found between Caleb, Moses, and the Levites.

² Already urged by Wellhausen (*Prolegomena*, p. 343), H. P. Smith (*O. T. Hist.*, pp. 62, 69), and others, but here developed.

³ The possibility that there were two distinct places must be allowed.

to build up the account of the detour from the Yam Sûph to Sinai and from Sinai to Kadesh. To argue that the holy mountain was near Kadesh is difficult in the face of Exod. xiii. 17, and the data by which the view has been supported are far from conclusive. If a people whose goal lay northwards from Egypt marched in any other direction it seems safer to admit conflicting traditions than to attempt to reconcile them¹.

Several instructive lessons regarding the methods of editors can be gleaned from a consideration of the foregoing narratives², but the chief point which it is desired to emphasize in this section is the great prominence of Kadesh, and its stories of "striving" in early tradition.

¹ A distinction should properly be drawn between events originally located at Kadesh and those which are due to the secondary tradition and rightly belong to Sinai-Horeb. But it is not easy to see how much really belongs to the latter. The "priests which come near to Yahweh" (Exod. xix. 22) imply an institution originally at Kadesh; on Exod. iv. 13-16, see above (p. 749). Deuteronomy, it will have been noticed, at times refers to traditions which are not those actually preserved in Exodus or Numbers, but very closely allied to them. Its isolated details prove how continuous was the work of redaction, and render the attempt to sketch the stages of development almost an impossibility. There has been too much action and reaction of traditions upon each other, and from these adjustments Deuteronomy itself is not free. It may be conjectured that one of the first steps was to represent Horeb or Sinai as the scene of events at Kadesh, and so, whilst Moses, Aaron, and Miriam suffer punishment or death at Kadesh, this is already anticipated by offences at Horeb or Hazeroth. The account of the journey from Horeb to Kadesh was then built up by borrowing narratives belonging to Kadesh, and so we find that Massah (properly associated with Meribah, i. e. Kadesh) becomes one of the stations. This form of the tradition lay before the author of Deut. ix. 22, but in his time the story of the calf differed from the present narrative in one remarkable detail (ibid. ver. 20). Along with this, there grew up the tradition of the dangers and perils of the wilderness which the Deuteronomic tradition places at one time between Horeb and Kadesh (i. 19) and at another time after the departure from Kadesh (viii. 15). From Deut. i. 9-17 it is evident that the narrative of the journey from Egypt to Horeb had not reached its present form (on Exod. xviii, see above, p. 748), and although xxv. 17-19 knows of the Amalekite hostility as Israel came out of Egypt, it mentions fresh details (ver. 18), does not appear to know of Israel's victory, and on internal grounds can hardly be due to the compiler.

² There are no *a priori* reasons why such methods should have been confined to the Pentateuch.

It has been concluded that the place where Jethro or Hobab came to visit Moses and the Israelites was evidently somewhat distant from his "land" and "kindred," and, therefore, was neither Sinai nor Horeb, but in all probability Kadesh. The commencement of the journey from Kadesh as narrated in Num. x. 29 sqq. is only a fragment, and has to be considered in the light of other related passages. Now in Num. xxi. 1-3, it is found that the journey has been continued successfully as far as Hormah, that is, about half-way from Kadesh to Beersheba. But at this point there is a sudden diversion, and henceforward the journey becomes a long detour round to the east of the Jordan. The traditions here become somewhat confused and contradictory. In the story of the spies, Caleb alone, in the oldest narrative, proves his faith, on which account he and his seed receive the promise of inheritance (Num. xiv. 24, cp. Deut. i. 36). But the rest of the people incur the displeasure of Yahweh and are punished, and when in defiance of his word and without the presence of the ark the attempt is made to press onwards, a severe defeat is inflicted upon them in the district of Hormah (xiv. 41-45). Next, an attempt is made to pass Edom, and a composite passage narrates (*a*) an unsuccessful embassy from Kadesh to the king of Edom, and (*b*) an armed resistance on the part of the Edomites apparently after Israel had started (xx. 14-22). At this stage, it is found necessary to turn back to the Yam Sûph (here obviously the Gulf of 'Akabah), and in agreement with the command already given in the story of the spies (xiv. 25), the journey is taken by the south end of Edom. The fluctuation of tradition already manifest is emphasized when it is observed that according to Deut. ii. 4, 9 Edom and Moab were passive, and that P seems to have supposed that Israel crossed the northern end of Edom¹. It is important, therefore, to bear in mind the two main lines of route to Moab, the one from Kadesh, the other from the Yam Sûph. Even in Num. xxi, although the Israelites pass over the Arnon and reach Pisgah (vv. 16-20), in another representation they keep outside Moab (ver. 11 b); it is evident that the interpretation of these passages, as also of the defeat of Sihon the Amorite, depends upon the history of Moab and the known variation of its boundaries. The historical background, however, need not be considered here, and it is unnecessary to determine whether opportunity has not been seized in the chapters which follow to represent conditions of much later date. On the other hand, it is to be observed that the growth of the literary tradition of the Exodus is exemplified in the fact that the Balaam narratives (Num. xxii-xxiv), and P's supplementary material, partly based upon them break

¹ See Num. xxxiii, and Gray, *Numbers*, p. 282.

the connexion between the accounts of the conquest of the country east of the Jordan now preserved in Num. xxi and xxxii¹. These events bring us to Shittim, the prelude to Joshua's conquest of Palestine from the east, where again a fresh cycle of tradition becomes prominent (XVIII, 539 above).

It is natural to infer that since so much emphasis is laid upon Caleb's faith, the traditions hardly made him share the punishment inflicted upon the rest of the people. Subsequently we find traces of independent efforts of Caleb (the clan) to settle in the neighbourhood of Hebron, and the clan of Hobab, who was invited to accompany Israel (from Kadesh) actually captures Zephath and gives it the new name of Hormah (Judges i). Hence there is a very strong probability that the successful start from Kadesh and the victory at Hormah led to a direct movement northwards, and that the clans or tribes which succeeded in reaching the stage mentioned in Num. xxi. 1-3 did *not* take any part in the journey round to the Jordan (see XVIII, 352 sq. above).

It is not impossible that the fact that an initial reverse occurred at Hormah supplied the motive for the account of the disaster which is narrated in xiv. 41-45; although it might be preferable to regard the aim of the whole chapter as an attempt to furnish an explanation of the lengthy detour. On the other hand, the tradition of the detour round by the Gulf of 'Akabah does not stand alone, and the intricacy of the literary evidence makes the problem of the forty years' delay almost hopeless. Kadesh could naturally be the starting-point for a journey northwards into Judah, or around the south end of the Dead Sea to the land of Moab, but a deliberate movement from Kadesh towards the Yam Sûph does not appear likely. Perhaps it may be suggested that it is an attempt to reconcile the above traditions (with Kadesh as centre) with the independent account of a journey from the Gulf of 'Akabah northwards into Moab.

The two leading traditions which underlie the history of Israel are those of an entry into Palestine, one from the south and the other from the east. With the former we can at present associate Caleb and the Kenites, in the latter Joshua is evidently the leading figure. These two views seem to have grown up separately, and there is evidence that each underwent a considerable amount of development. It is clear that the prevailing view of the conquest (cp. also

¹ *Old* fragments have been preserved in xxxii. 39-42. These deal with clans of Manasseh, and the same tribe comes to the fore in the post-exilic xxvii. The rest of xxxii narrates the request of Reuben and Gad to settle in the pasture-lands of Gilead. In view of the *possible* dependence of late passages upon earlier sources these contents are worthy of notice, and will be referred to later.

Judges i) represents independent movements as part of a common undertaking after Gilgal had been reached. Whatever may be the original traditions of individual tribes or clans, when these become incorporated with other tribes which have their own traditions, many fundamental changes must ensue. Conflicting views are fused, attempts are made to effect a reconciliation, and several stages are traversed before final results are reached. The traditions of X may adapt themselves to Y, or the reverse; in the case of Caleb, the traditions of the less have simply become merged into that of the greater. In the traditions of the invasion of Palestine from the east we have a finished scheme, one which combines conflicting views and endeavours to harmonize them. But of the invasion from the south only isolated indications have survived and even these have not escaped rigorous treatment¹. However, when it is related in Num. xxi. 1-3 that "Israel" took part in the capture of Hormah, it seems possible that the attempt was even made to generalize the "Calebite" tradition, and this tendency may appear again when Joshua finds a place in the story of the spies and takes part in the overthrow of Amalek (Ex. xvii. 8-16, a pale reflection of Num. xxi. 1-3)².

It remains now to consider the provisional epithet "Calebite" which has been attached to the tradition of the journey into Judah. What evidence is there for the constitution of the tribes or clans which made this journey? Already it has been seen that Caleb, one of the spies, appears later in the *negeb* of Judah, and the clan of the father-in-law of Moses, the nomad Kenites, are subsequently found, now in Judah and now in the north of Palestine at Kadesh-Naphtali. In P's narrative in Exod. xxxi. 2, we find that Bezalel ben Uri ben Hur takes part in the construction of the tabernacle. We have found that P's material cannot be wholly ignored, and on *a priori* grounds it could be conjectured that the notice is derived

¹ Observe the scantiness of Num. x. 29 sqq., and the treatment of Calebite traditions in Joshua xiv. 6-15, xv. 14-19 (above, XVIII, 352 sq.).

² On the relation between (1) Num. xxi. 1-13 followed by the *successful* movement northwards (xxi. 1-3), and (2) the parallel story in Exod. xvii. 1-7 followed by the *defeat* of Amalek, see above, p. 746. In Num. xxi. 1-3 the idea seems to be, not that Caleb entered from the east (as in Judges i), but that Israel accompanied Caleb northwards into Judah. In Num. xiv the inclusion of Joshua admits, naturally enough, of other explanations, although if it was thought that the future leader of the Israelites did not incur guilt when the spies were sent, it was forgotten that he evidently suffered the punishment of the forty years' delay. Some allowance must always be made for the possibility that passages were revised at a period when the "Calebite" tradition as a distinct movement had been suppressed or forgotten.

from an older source¹. It must be admitted that many of P's names are worthless as evidence for the period to which they are attached, but since Bezalel in 1 Chron. ii. 19 sq. is said to belong to the Calebites it seems extremely probable that P is trustworthy in this instance. For, it is not easy to see why the genealogist should invent this information; nay rather, his aim is obviously to incorporate Calebites among the descendants of Judah, and consequently the probability is that he is manipulating his evidence, and not fabricating it. There is no apparent reason why he should make Uri a grandson of Caleb unless the belief prevailed that Bezalel was a Calebite, and since P itself calls Bezalel a Judaeon (in agreement with the *aim* of 1 Chron. ii), it seems justifiable to conclude that an earlier source (in agreement with the earlier representation) would have regarded the famous artificer as a member of the southern clan. That this would be extremely appropriate in the account of a "Calebite" migration is at once obvious. As regards his partner Aholiab the Danite, the evidence is more complicated, and must be viewed in the light of all the available evidence bearing upon the relations of Calebites and Kenites to other clans².

STANLEY A. COOK.

¹ Cp. the case of Nadab and Abihu.

² See, in the meanwhile, XVIII, 354 above.

(*To be concluded.*)

CRITICAL NOTICE.

HEBREW ILLUMINATED MSS.

L'Ornement Hébraïque par D. GUNZBURG et V. STASSOF. (Berlin : S. Calvary & Co., 1905.)

BARON DAVID GUNZBURG has, in conjunction with M. Vladimir Stassof, produced a work of very great interest for the history of Hebrew MSS. ornamentations. The publication consists of a portfolio of twenty-seven plates, measuring close upon 23 in. by 18 $\frac{3}{8}$ in.; and as the margins are as a rule rather narrow, the size of the reproductions will at once strike one as being on a magnificent scale, apparently the scale of the original MSS. themselves. In many cases, however, the plates contain a variety of smaller ornamentations grouped together partly on account of their artistic relation to each other, and partly for the sake of the grand effect which the combination was intended to produce. The plates are in the following order: First a frontispiece, bearing no number, and intended to show the artistic "motifs" underlying the ornamentations that follow; then Nos. I-VI, VII, VII*, VIII-XXII, followed by plates *A*, *B*, and *C*. The ornamentations of plates I-XXII are all taken from the collections of Hebrew MSS. acquired by the Imperial Library of St. Petersburg from Abraham Firkoviez in 1856, and from his representatives in 1876. Plate *A* is taken from a MS. of French origin in possession of the Bibliothèque Nationale, at Paris; plate *B* reproduces ornamentations contained in certain British Museum MSS.; and plate *C* represents an ornamented Yemenite MS. in Baron Gunzburg's own possession.

We shall return presently to the contents of the plates for the purpose of taking note of them in detail. For the moment we must consider the main idea which Baron Gunzburg and M. Stassof desire us to see embodied in their fine portfolio of ornamentations. This idea is lucidly expressed in the "Avant-Propos" penned by Baron Gunzburg, and it amounts to a thesis of no less magnitude than this: That there exists, or, at any rate that during the period covered by their MSS., and long before, there has existed, an art of ornamentation which can be called specifically Jewish, and that the "motifs" underlying this Jewish art can be traced clearly enough, though under various modifications, in the ornamented Hebrew MSS. coming from different countries of the diaspora. Both M. Stassof

and Baron Gunzburg are very deeply impressed with the reality of "la tradition artistique chez les Israélites," and they claim that their joint publication proves the thesis up to the hilt. It is, therefore, from a critical point of view very necessary to examine the theory in the light of all the available evidence; and this we may do without in any way belittling the fine portfolio of ornamentations before us. On the contrary, we may be grateful to the editors even for their error—if error we can show it to be—as to the cardinal point; for "L'Ornement Hébraïque" would probably never have seen the light, if it were not for the idea of a specifically Jewish art which inspired the editors with the desire of producing the work.

Now for the main idea itself. Can we accept the thesis that there does exist, or at any rate that there has existed, a peculiarly Jewish art of MSS. ornamentations? Let us look at the evidence. We have before us (1) an illuminated MS. of French origin, belonging to the thirteenth century; (2) illuminated Haggadahs produced (a) in the South of France or North of Spain, (b) in Germany and elsewhere; (3) an illuminated copy of Maimonides' *Yad* of Spanish origin, belonging to the latter part of the fifteenth century; (4) a finely ornamented copy of a Festival Service Book, written and ornamented at Florence about the middle of the fifteenth century. This list could be considerably extended, but it will be sufficient for our purpose. For if we compare not only the general impressions received from these specimens of the illuminative art, but also the details of the various ornamentations, it seems quite impossible to affirm that they, in any essential manner whatsoever, all belong to one and the same class of artistic work; and if furthermore the various kinds of Hebrew ornamentations are compared with the general ornamentative art as it flourished at the periods named in France, Italy, Spain, Germany, and other parts of the globe, one is irresistibly led to the conclusion that the divers specimens of Hebrew MSS. ornamentations are neither more nor less than reproductions of French, Italian, Spanish, German, and other models. The theory, therefore, that there is, or that there ever was, an illuminative art that can be called purely Jewish is thus shown to be in conflict with the evidence, and would seem to be merely "the child aërial, of enthusiasm born and noblest love."

But how is it, we may fairly ask, that the ornamentations of the portfolio before us do—at any rate so far as plates I-XXII are concerned, produce an impression of homogeneity? and how is it that M. Ropett has been able to construct out of them the fine frontispiece embodying the self-same "motifs" underlying them all? The answer is that the MSS. from which these plates were taken have one and all an oriental or semi-oriental provenance, and that their general

similarity of character is determined not so much by their Jewish contents as by their more or less cognate origin. For although Abraham Firkovitch was as great a traveller as he was a scholar and a falsifier, there were certain limits to his travels as much as to his other doings. The Crimea, the Caucasus, Egypt, Palestine, and Mesopotamia, were the countries the treasures of which he aimed at ransacking. The Hebrew MSS. collected by him no doubt came mainly from the Crimea, Egypt, and Palestine, though he probably also brought several from Mesopotamia. The collections purchased from him and his legatees by the Russian Government therefore bore throughout the eastern or half-eastern stamp of workmanship, and the similarity of the various ornamentations may thus safely be put down to this cause and—so far as the main characteristics of the art are concerned—to none other. In how far plates *A*, *B*, and *C* fall in with the general scheme of the ornamentations shown in the portfolio, and in how far they differ from it, is a question which can only be referred to in a detailed consideration of the plates. For the present it is enough to state our conviction that if Firkovitch had included France, Italy, Spain, and other parts in his travels, he might have brought together a collection of MSS. far less homogeneous in character than the great Hebrew Library established as a result of his efforts at St. Petersburg.

The conclusion, therefore, at which we arrive is that the existence of a specifically Jewish art of illumination is negatived¹ by the fuller evidence afforded by collections which largely differ in their character from the MSS. brought together by Firkovitch; and it may, perhaps, fitly be remarked here that the Jewish genius, so far as it can be identified with the highest and best of the race as a whole, moves in an entirely different sphere of excellence. Jewish artists there, of course, are; but they are *qua* artists merged into one or other of the schools of art that may exist at the time. Their genius is, from a Jewish point of view, not racial but individual. The thing would stand quite differently if a modern Jew were to excel in the art of writing sacred poetry or in the intuitive (as distinct from the philosophic) power of religious contemplation.

Before taking leave of Baron Gunzburg's interesting and, notwithstanding its untenable main thesis, inspiring "Avant-Propos," it is necessary to remark that the question of the existence of a specifically Jewish art is quite distinct from that proposed by the late Professor David Kaufmann² as to whether the ornamentations of

¹ This does not, of course, exclude special Jewish features of a subsidiary nature, such as the choice of subjects, the introduction of Jewish symbols, &c.

² In the edition of the famous Haggadah of Sarajevo. The same topic

Hebrew MSS. were executed by Jews or Gentiles. The answer to this question will, in substantial agreement with that of Professor Kaufmann himself, have to be that, broadly speaking, Jewish artists of different schools, such as the Palestinian (?), Egyptian, Yemenite, Byzantine, French, or Italian, are responsible for the illumination of the Hebrew MSS. produced in different parts of the world. The ornamented Masorah¹, which is so striking a feature in many of the plates contained in the portfolio, is in itself a proof that the Jewish scribe was in those particular cases also the illuminator; and it may, generally speaking, be affirmed that a thorough insight into the nature of the Hebrew text must be regarded as an indispensable qualification for an efficient style of ornamenting it. But such a qualification was very rare even among the more learned monks of mediaeval times.

We may now proceed to a detailed examination of the plates, and we must begin by saying that the description of them offered by Baron Gunzburg will, though brief, be found very helpful and instructive. Great care has evidently been exercised in the assignment of dates and suggestions of localities of workmanship in all cases where the MSS. themselves contain no explicit information on those points. The name of Firkovicz is, alas! but too frequently mentioned in connexion with "chemical experiments" and certain or probable falsifications. We will in the present notice only mention some of the most important features of the plates, and here and there add such observations as the subject may suggest.

The frontispiece, which, as has already been mentioned, was designed by M. Ropett, who is an architect by profession, is not described in the "Avant-Propos." The richly gilded design includes in its "motifs" the *מגן דוד*; the sacred candlestick; circles, squares, triangles, and other geometrical figures; ornamentations in lancet-form, &c.; and (at the bottom) a scroll of the law partly unrolled. On the upper margin is the legend: *וראה ועשה בתבניתם אשר אתה מראה בהר*. On the body of the plate, artistically arranged, and in fancifully shaped letters bearing a resemblance to Hebrew characters, is the title: "Ornementation des Anciens Manuscrits Hébreux de la Bibliothèque Impériale Publique de Saint-Pétersbourg." In one circle are the dates *ה'תרמ"ו*, 5646, 1886, i. e. the year when the plate was designed by M. Ropett. Names of collaborators, &c., are also given.

Plates I, II, III, IV, and XXI, 1 reproduce ornamentations taken

is touched upon in Dr. Julius von Schlosser's brilliant essay, entitled "Der Bilderschmuck der Haggadah," in the same work, pp. 211-52.

¹ The MSS. from which these plates were taken are probably of Karaite origin.

from MS. II, 17 of the Imperial Library of St. Petersburg. The date is A. Gr. 1241 (A.D. 930), and the editors believe Egypt to be the "pays de provenance." We will only mention that the seven-branched candlestick and Temple utensils, which are rather crudely represented on Plates II and III, are not at all identical in form with either those given on Pl. A, or those contained in the British Museum MS. numbered King's 1. This shows that even where perpetuity of tradition might reasonably be expected, the student who starts with a theory must be prepared for disappointment. The plates themselves show, in fact, two different forms of the sacred candlestick, the one rounded¹, and the other with angular joints. A certain family likeness, however, there naturally is, as how could it be otherwise with representations of the same objects.

Plates V, 1-36, VI, 1-40 and 42 are taken from MS. II, 11, which is assigned to the ninth century. One of the reasons given for naming Syria as a possible "pays d'origine" are the triangles superimposed on several of the ornamentations. We here frequently meet with the much ornamented letter ס to mark, we suppose, the end of the Masoretic divisions called סדרים.

Pl. VI, 41 represents a portion of some fragments² of the Hagio-grapha (MS. II, 115), which is dated (4)754 A.M. (A.D. 994). It contains the following words within an ornamented oblong:—

יהיו נא בלי משחק
לרב יוסף בר יצחק

The owner, Joseph b. Isaac, is described in another part of the MS. as הספרדי, but the editors are inclined to assign the fragments to a Syrian origin.

The entry under Pl. VI, 42 seems to represent some mistake on the part of the editors, as VI, 42 was already included in a preceding heading.

Plates VII and VII* (taken from the MS. I, B. 19 a) is declared by the editor to be "un des plus beaux spécimens connus d'enluminure biblique et un des MSS. les plus remarquables pour l'étude critique de la Bible." Its date is A.D. 1010, and its origin is Cairo. The plates no doubt present us with very beautiful and most elaborate specimens of the Masorah in the form of illuminated diagrams.

Pl. VIII, 1-23 shows remarkably beautiful small ornamentations (taken from MS. II, 10) in the shape of six- and eight-cornered forms of the מנן דור, &c. They are assigned to the beginning of the eleventh century, and their origin may possibly be Egypt.

¹ It may be noted that the candlestick on the arch of Titus is rounded.

² Several of the MSS. are, in fact, described as mere strips or torn leaves.

Pl. VIII, 24, 25 (from MS. II, 12) shows a part of the Masorah in the form of an ornamented diagram, and (apparently) part of an epigraph. The MS. was in 1031 given to a Synagogue at Cairo, "si l'inscription est authentique." It is assigned to Egypt, and is believed to be of the ninth or tenth century.

Pl. VIII, 26-31 (from MS. I, 111) shows very beautiful small ornamentations (vignettes at the head of columns). Date, A.M. 4868 (A.D. 1118). Egyptian?

Pl. IX (from MS. II, 267) contains a dedication to a person named Aaron b. Abraham. The origin is apparently Egypt, and the date assigned to it is the beginning of the eleventh century. The colouring and style of ornamentation remind us strongly of Plates I, II, &c.

Pl. X, 1 (MS. II, 263), of Egyptian origin, and probably belonging to latter part of the eleventh century. The date of presentation to a Synagogue in Cairo, supposed to have been originally 1245, is believed to have been falsified by Firkovicz into 1045.

Pl. X, 2-13, XI (MS. II, 49, "malheureusement abîmé par Firkovich"); probably tenth century. Pl. XI represents a pointed portal, with texts within designs.

Plates XII, XIII, XIV, 1-6 (MS. II, 262), partly illuminated Masorah, reminds one again very strongly by its colouring of Plates I, II, &c. It is assigned to the beginning of the eleventh century, and its origin is Cairo. It may be noted that the chain-like ornamentations on Pl. XIV, 1 are not the same in form as those found on Pl. B (*vide infra*).

Pl. XIV, 7-17 (MS. II, 272) contains fine little ornamentations assigned to the end of the eleventh century, with Jerusalem as a likely place of provenance. The arabesque portions of the plate the editors were obliged to declare of foreign origin. If, however, the theory of a purely Jewish ornamentative art be abandoned, this imitation of Moorish forms would fall in with the general tendency of adaptation. Very fine specimens of a modified kind of arabesque ornamentation are found in the British Museum MS. Harley 5698 (Maimonides' *Yad*; Spanish origin, A.D. 1472).

Pl. XV (MS. II, 17), a fine specimen of ornamented Masorah, which the editors (on doubtful grounds, as it appears to us) assign to the ninth century. The large star-like ornamentation is really a form of the eight-cornered מגן דוד, the six-cornered form being given in smaller size within.

Plates XVI, XVII, XVIII (MS. II, 8) are exceedingly beautiful, both in general outline and in detail. The colouring is also very pleasing. The date is 951 A.D., and Jerusalem is believed to be the place of provenance.

Pl. XIX, 1-2 (MS. II, 168) takes us to a later time, the date being 1225 A. D. It is, however, very fine work indeed.

Pl. XIX, 3-7 (MS. II, 101) belongs to about the middle of the fourteenth century, and the ornamentations are held to be "empruntés à l'industrie textile du N. de l'Afrique."

Pl. XX (MS. II, 53) is richer and more elaborate still. It also belongs to the north of Africa, and is assigned to the fifteenth century, or near it.

Plates XXI, 4-6, 8-13; XXII, 1-17 (MS. II, 116) contain no ornamentations in gold or colours, but only Masoretic rubrics in all sorts of elaborate geometrical and other designs. They are assigned to the eleventh or twelfth century, and are held to have come from the Near East.

Pl. XXI, 14-18 (MS. I, 92) also contains uncoloured designs of Masoretic rubrics. The parchment is said to have been prepared "à la façon de France et d'Allemagne," and is supposed to belong to the twelfth century. The reader is referred to Cat. Harkavy, pp. 131-33, and "Altjüdische Denkmäler aus der Krim," p. 92.

Pl. XXII, 18-19 (MS. I, 67), also Masoretic uncoloured designs, though no. 19 has a red outline round it. It may belong to the thirteenth century, and it is probably Egyptian in origin.

Pl. A (MS. no. 7, Bibl. Nationale, Paris) has already been referred to in connexion with the representation of Temple utensils spoken of under plates I, II, &c.

Pl. B contains ornamentations taken from the British Museum MSS. Or. 2363, 2373, 2365, 2350. It should be noticed that the MS. Or. 2363 (twelfth century) is not Yemenite, as the editors think, but in all probability Persian. The chain-like ornamentations belonging to it are, however, similar in the main to those taken from the Yemenite MSS. (compare XV, 1).

Pl. C contains rich, but, to our eye, not very pleasing ornamentations taken from a Yemenite copy of the Hagiographa in the possession of Baron Gunzburg. The date is A. D. 1292.

We may remark in conclusion that the Yemenite illuminations do not seem to us to be of the same genre as those described under Plates I-XXII.

This account of the fine portfolio of Hebrew ornamentations which Baron Gunzburg and M. Stassof have presented to the world of learning and of art may fitly be concluded with the often quoted but none the less ever true saying that "a thing of beauty is a joy for ever."

GEORGE MARGOLIOUTH.

NOTES ON *J. Q. R.*, XVIII, 399 FF.

THE letter with which Mr. Cowley happily inaugurates his publications from Bodleian Geniza Fragments in the last issue of the *J. Q. R.* offers many points of interest. We must be especially thankful to the editor for his self-denial in publishing this text without waiting for time to give a full commentary on his "find."

As in many fragments from the Geniza, the beginning and with it the names of its writer and the person to whom it is directed are missing, but the indications given with regard to the latter may perhaps enable us to guess at his identity. He lived in Spain (fol. 40 a), had a very prominent position, is referred to twice as leader of his time (ibid.)¹. A command is ascribed to him (fol. 39 b)². He further on took great interest in scholars and supported them (fol. 40 a), and had previously twice sent money to the academy (fol. 41 b). As the letter is dated 953, all these statements would fit the great Spanish statesman of this time, Ḥasdai ben Isaac ibn Shaprut, who encouraged so greatly the beginnings of Jewish scholarship in Spain, and also contributed to the Babylonian academies³. It is therefore probable that this letter was directed to him.

The writer of the letter must have been either a Gaon or at least an Ab-Beth-Din, as can be concluded from his complaint that he had himself to travel through the judicial districts belonging to the academy, whereas in earlier times he used to send prominent members of his academy, giving them authorization to act as judges (fol. 42 a). He also asks to have the money sent to him personally (fol. 43 a)⁴, and that legal questions should be directed to him

¹ ואשרי הדור שאתה פרנסו שאתה יורע חכמים ותלמידיהם מהיכן הם מתפרנסין is an allusion to *Berakot*, 28 a.

² וימשך ממשלהך ויתערב בממשלה הראשונה means: 'he prolongs thy command so that it reaches the Messianic time.' Cf. Targum on Micah iv. 8.

³ That we only know about his relations to Sura, whence he bought copies of the Talmud (Dunash ben Labrat's dedication of his criticism of Menahem, verse 35) is probably only on account of the scarcity of our sources. It is unknown whether Dosa ben Saadia, when he sent him a biography of Saadia (הקבלה 'ס, ed. Neubauer, p. 66) lived in Sura.

⁴ ותוכרי נזרבה רחבה בשמי. Half a century later Samuel ben Hofni warns Josef ben Berakhya—the scholar from Kairuan who had the title סגן הישיבה—not to listen to those who write to him: "Send the offerings

personally (fol. 49a). It is unlikely that any other member of the academy, except the Gaon or the Ab-Beth-Din, would write in such terms.

In spite of all the information he gives as to his ancestor, his name cannot be ascertained from the sources accessible to us, so far as I am aware. The Gaon of this time, Aaron ben Josef Sargado, is out of question, as Sherira (ed. Neubauer, p. 40 f.), expressly states that he was not a descendant of any of the Geonic families. Nor can the Ab-Beth-Din Amram bar Meshue, or the anti-Gaon Nehemiah bar Cohen-Zedek be identified with the writer, as the names of their fathers are given (fol. 41a) without any epithet. We only learn that the writer was the grandson of the Ab-Beth-Din (אב ישיבה) Tob, otherwise unknown, who was the son of Zemah ben Paltoi and brother of Sherira's grandmother and of Moses, a brother of Nahshon ben Zadok. It is interesting to note that both Sherira's grandfathers, paternal and maternal—viz. Jehuda and Meshue—were secretaries of the Gaon Zemah (סופרי שער אדוננו צמח, fol. 41a).

The name of a new Exilarch occurs here, that of Solomon (fol. 41b). He is probably the grandson of David ben Zaccai, who after his father's death, c. 941, was educated by Saadia. He was twelve in 941, and therefore was about twenty-two years old when his intercession saved part of the money for the academy in 951.

It would be extremely interesting to know more about the person who tried to steal the money sent to the academy from Spain, but was partly checked by the Exilarch. He appears to have tried again in vain two years later to take away the contributions sent from the same country through pious and righteous brothers, Aaron and Moses, sons of Abraham ben Aaron, who are stated to have been rich men of business (fol. 41b). Was the alleged robbery perhaps merely the attempt of another faction of the academy to divert the funds?

Our letter gives us some new information about the conditions of the academies during the latter part of the Geonic period, but generally agrees with information already gained from other Geniza discoveries¹. We see that in the middle of the tenth century, when the Sura academy, soon after Saadia's death, altogether disappeared, that of Pumpadita was in very precarious circumstances from lack of means. The regular income from the districts of Babylonia² had

in my name" (*J. Q. R.*, XIV, 308). This passage is therefore no absolute proof that the writer of our text held the dignity of Gaon.

¹ Schechter's *Saadyana*, Nos. XLV and XLVI, and G. Margoliouth, *J. Q. R.*, XIV, 308-9, which relate to a little later period.

² Compare with reference to these districts, Neubauer, *Chronicles*, II, 80 f.

been very much diminished, owing to the country having been devastated; it had lost its money and landed property, and, the writer complains, nothing was left to them but the writings of their forefathers. Thus, the contributions from abroad were the only source of income of the academy. We do not find in this letter, as in those of later times. (see the passages quoted above), an allusion to new centres of learning which took away this last support from the academies. The decentralization had clearly not yet begun. Disunion reigned in the academy (fol. 42 a), though our writer does not give any details; these can partly be gathered from Sherira (p. 41).

The most important fact we learn from the letter is with regard to the relations between Spain and Babylonia. The hypothesis¹, that questions from Spain were generally directed to Sura only, is refuted by the new text. Of course, Naṭronai's well-known responsum on the order of the **ברכות** found in a Geniza MS. by Dr. Ginzberg, who publishes the text in the present issue of the *J. Q. R.*, as well as the Siddur of Amram², were sent to Spain from Sura, and from our letter we learn that Zadok and Nahshon³ also sent responsa to Spain from Sura. But on the other hand, we now know that Paltoi, Zemah, Jehuda, Cohen-Zedek and Tob and Meshue, all of Pumpadita, were in regular communication with Spain. The well-known statement of the **ס' העתים**, p. 267, that the exilarch Naṭronai ben Haninai, when exiled from Babylonia in 773, wrote the Talmud down for the Spanish Jews from memory becomes very doubtful since we read here that Paltoi (842-58) sent them a copy of the Talmud with explanations, and that his son Zemah had a very lively correspondence upon difficult passages. The writer of our letter was in possession of all these letters and his information on these points is, therefore, authentic. We have here the earliest mention of collections of Geonic responsa—arranged probably according to authors.

Finally, attention may be called to two minor points in the letter, the peculiar legend that the Palestinians advised Alexander to go to Spain and consult the great Jewish scholars of that country on the way to heaven (fol. 40 a), and the text of the **עשר מלי דחסידותא**⁴ with the peculiar reading **רבינו רב** (fol. 43 a), for which *Berakot*, 22 a and 38 b, where **רב** is called **רבינו**, may be compared.

¹ J. Müller, **מפתח להשוואת הגאונים**, p. 143, note 13; Büchler, *R. É. J.*, L, 160.

² Cf. also the Geonic Responsa, ed. Lyck, No. 56.

³ A responsum of his to Spain is mentioned by Aaron ben Joseph ibn Sargado in **פירוש**, ed. Constantinople, fol. 26 d.

⁴ Cf. **האורה**, ed. Buber, p. 1 f., where all the variations from other sources are given.

The letter of Samuel ben Hofni which follows the anonymous one mentioned above, gives his genealogy (previously given by Harkavy, זכרון לראשונים, III, 1), calling his great-grandfather נגיד נזר הישיבה. It is directed to Fez and therefore suggests the reading תשובה לר"ש instead of the unintelligible חכם פאם, which Harkavy proposes to correct מחסיא (loc. cit., p. 10, note 5), and J. Müller (loc. cit., p. 169, note 5) וחכם פאם.

The most interesting point in this fragment is the very full list of dignitaries of the academies (fol. 45 a), among which the אב"ד is missing. Perhaps we ought to read ממנו ומן [אב] יש' [ומן]. The titles mentioned are סופר הישיבה (which does not occur to my knowledge elsewhere), the heads of the סדרים (who elsewhere occur only outside of Babylonia, cf. Ginzberg, *J. Q. R.*, XVIII, 425), of פרקים (cf. Halberstam, ישורון, V, 139), סיומין (cf. Halberstam, loc. cit., 137 f.), and סיעות, the אלופים, חכמים, and בני הגאונים (the last a very peculiar classification), שופטים (mostly in Babylonia they have the title דיין), תנאים (cf. on this title in Talmudical and post-Talmudical times, Krochmal, מורה נבוכי הזמן, Lemberg. 1851, p. 197 f.; Löw, *Graph. Requisiten*, II, 129; Friedmann, מכילתא, p. xlii, Lewy, *Abba Saul*, 8 f.; Halberstam, ישורון, V, 140; Halevy, דורות הראשונים, III, 5 f. note), תלמידים, and סופרים. It would seem that after the re-establishment of the academy at Sura many new titles were created. The letter was probably written during the early part of Samuel ben Hofni's Gaonate, before he had the difficulties of which he complains in *J. Q. R.*, XIV, 303.

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